

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CONDRIN OIL COMPANY,)

Defendant.)

No. 91-CR-116-E

FILED
JAN 28 1993
Richard M. Lawler, Clerk
U.S. DISTRICT COURT
Northern District of Oklahoma

ORDER

DATE 1/28/93

Now on this 27 day of January, 1993, this cause comes on to be heard in the matter of the motion of the plaintiff, United States of America, for leave to dismiss the information herein without prejudice. From that motion, and other matters and things, the Court finds:

1. That on January 21, 1993, the District Court of Tulsa County, Oklahoma, approved the receiver's second amended plan of payment and reorganization of Condrin Oil Company. The Court has examined said plan, and is of the opinion that said plan offers the possibility of restitution to the victims herein.

2. That, accordingly, the dismissal of the instant cause, without prejudice, is in the best interest of justice.

It is, therefore, ORDERED, ADJUDGED AND DECREED that the indictment pending herein against Condrin Oil Company ought to be, and is hereby, dismissed, without prejudice.

IT IS SO ORDERED.

James O. Ellison

JAMES O. ELLISON, Chief
United States District Judge

D. M. Callaghan

United States District Court

DATE 1-25-93NORTHERNDistrict of OKLAHOMA

UNITED STATES OF AMERICA

V.

RICHARD TAYLOR
(AKA RICHARD ALLEN)

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 92-CR-089-001-C

FILED

Craig Bryant (FPD)

Defendant's Attorney

JAN 25 1993

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One and Two of the Indictment
☐ was found guilty on count(s) _____
 plea of not guilty.

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
after a

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21:841(a)(1)	Distribution of Cocaine Base	January 15, 1992	One
21:841(a)(1)	Distribution of Cocaine Base	March 23, 1992	Two

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s).
☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.
☒ It is ordered that the defendant shall pay a special assessment of \$ 100, for count(s) One and Two of the Indictment, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 527-49-9784Defendant's Date of Birth: 07-19-73January 11, 1993

Date of Imposition of Sentence

Defendant's Mailing Address:

2814 E. 42nd Place NorthTulsa, OklahomaUnited States District Court)
Northern District of Oklahoma) SSH. Dale Cook, U. S. District Judge

Name & Title of Judicial Officer

Defendant's Residence Address:

Same as aboveI hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Richard M. Lawrence, Clerk

By R. M. Lawrence
Deputy

Date

Defendant: Richard Taylor
Case Number: 92-CR-089-001-C

Judgment—Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of twenty-four (24) months as to Counts One and Two, to run concurrently with each other.

☐ The court makes the following recommendations to the Bureau of Prisons:

- ☐ The defendant is remanded to the custody of the United States marshal.
☐ The defendant shall surrender to the United States marshal for this district,

☐ at _____ a.m.
☐ _____ p.m. on _____
☐ as notified by the United States marshal.

- ☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
☒ before ~~xxxxxx~~ 9:00 a.m. February 16, 1993
☐ as notified by the United States marshal.
☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____

_____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: Richard Taylor
Case Number: 92-CR-089-001-C

Judgment—Page 3 of 4

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

Three (3) years on Counts One and Two, to run concurrently with each other.

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- ☒ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- ☒ The defendant shall not possess a firearm or destructive device.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: **Richard Taylor**
Case Number: **92-CR-089-001-C**

Judgment—Page 4 of 4**STATEMENT OF REASONS**

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:Total Offense Level: 17Criminal History Category: IImprisonment Range: 24 to 30 monthsSupervised Release Range: 2 to 3 yearsFine Range: \$ 6,000 to \$ 2,000,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ N/A

☐ Full restitution is not ordered for the following reason(s):

☒ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 21 1993

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE MICHAEL MALONE,

Defendant.

91-CR-106-B

ORDER

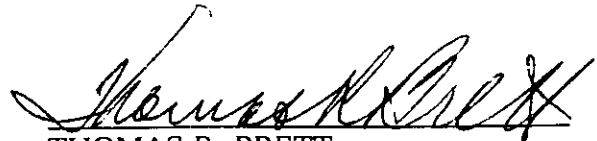
Petitioner George Malone, who was sentenced to a 180-month prison term for crimes surrounding a bank robbery, has filed a 28 U.S.C. §2255 motion for relief with this Court. He states, however, that his appeal to the Tenth Circuit is still pending. *See, Motion Pursuant To 28 U.S.C. §2255 To Vacate, Set Aside, Or Correct Sentence By A Person In Federal Custody, page 3 (docket #93).*

A defendant in a federal criminal prosecution is not entitled to have both a direct appeal and a section 2255 proceeding considered simultaneously except "under [the] most unusual circumstances." *Tripati v. Henman*, 843 F.2d 1160, 1162 (9th Cir. 1988).¹ The reason for this rule is that disposition of the appeal may render the [§ 2255] motion unnecessary. *Feldman v. Henman*, 815 F.2d 1318, 1320 (9th Cir. 1987).

In this case, nothing in the record suggests any unusual circumstances. Therefore, Malone's §2255 motion is denied. He may re-file his motion once the Tenth Circuit has disposed of his appeal, and the motion is not otherwise then moot.

¹ Also, see *United States v. Daily*, 921 F.2d, 994, 998 n.2 (10th Cir. 1990) and *Fassler v. United States*, 858 F.2d 1016, 1019 (5th Cir. 1988).

SO ORDERED THIS 21 day of Jan., 1993.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

United States District Court

JAN 21 1993

NORTHERN

District of

OKLAHOMA

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

TERRY RAY SHIPLEY

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 92-CR-109-001-B

Stephen Greubel

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One and Two of the Information
☐ was found guilty on count(s) _____ after a
 plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 656	Misapplication of Funds from Financial Institution	04-14-92	One & Two

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.
☒ It is ordered that the defendant shall pay a special assessment of \$ 25.00 per count, for count(s) _____, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 429-13-7241Defendant's Date of Birth: 04-28-57

Defendant's Mailing Address:

4808 E. Reed RoadNorth Little Rock, AR 72118

Defendant's Residence Address:

Same

January 13, 1993

Date of Imposition of Sentence
John Leo Wagner

U. S. Magistrate Judge

Signature of Judicial Officer

Name & Title of Judicial Officer

Date

United States District Court
 Northern District of Oklahoma)
 I hereby certify that the foregoing
 is a true copy of the original on file
 in this Court.

Richard M. Lawrence, Clerk

Deputy

Defendant: SHIPLEY, Terry Ray
Case Number: 92-CR-109-001-B

Judgment—Page 2 of 4

PROBATION

The defendant is hereby placed on probation for a term of one year each in Counts One and Two,
both counts to run concurrently.

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

A \$450 Fine to be paid at the rate of \$50 per month beginning 02-01-93.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing as directed by the U.S. Probation Office.

Defendant: SHIPLEY, Terry Ray
Case Number: 92-CR-109-001-B

Judgment—Page 3 of 4**FINE**

The defendant shall pay a fine of \$ 450. The fine includes any costs of incarceration and/or supervision.

☒ This amount is the total of the fines imposed on individual counts, as follows:

Count One: \$450

☒ The court has determined that the defendant does not have the ability to pay interest. It is ordered that:

- ☒ The interest requirement is waived.
☐ The interest requirement is modified as follows:

This fine plus any interest required shall be paid:

- ☐ in full immediately.
☐ in full not later than _____.
☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
☒ in installments according to the following schedule of payments:

\$50 per month, beginning 02-01-93.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: **SHIPLEY, Terry Ray**
Case Number: **92-CR-109-001-B**

Judgment—Page **4** of **4**

STATEMENT OF REASONS

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 2

Criminal History Category: I

Imprisonment Range: 0 to 6 months

Supervised Release Range: ~~0~~ 1 year~~s~~.

Fine Range: \$ 100 to \$ 5,000

☐ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 0

☐ Full restitution is not ordered for the following reason(s):

☒ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

JAN 20 1993

DATE

United States District Court

Northern District of Oklahoma

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 92-CR-106-001-B

LARRY R. MENSER

(Name of Defendant)

Jeff Kearney

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Indictment
☐ was found guilty on count(s) ----- after a
 plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:371	Conspiracy to Commit Bank Fraud	10-30-89	One

 United States District Court)
 Northern District of Oklahoma) SS

 I hereby certify that the foregoing
 is a true copy of the original on file
 in this Court.

Richard M. Lawrence, Clerk

By J. Adams

Derry

 The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____
 and is discharged as to such count(s).
☒ Count(s) Two, Three, & Four of the Indictment (are) dismissed on the motion of the United States.
☒ It is ordered that the defendant shall pay a special assessment of \$ 50.00, for count(s)
One of the Indictment, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 442-54-0822Defendant's Date of Birth: 08-26-51

Defendant's Mailing Address:

10120 East 31st Street
Tulsa, Oklahoma 74146

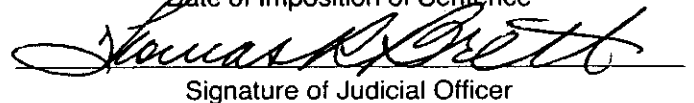
Defendant's Residence Address:

4917 East 32nd Street #10
Tulsa, Oklahoma 74135

sm

January 12, 1993

Date of Imposition of Sentence



Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

1-14-93

Date

Defendant: MENSER, LARRY R.
Case Number: 92-CR-106-001-B

Judgment—Page 2 of 4

PROBATION

The defendant is hereby placed on probation for a term of four (4) years. Execution of sentence shall be suspended until 02-08-93 when defendant shall surrender to the Salvation Army CCC at 11:00 a.m. Said sentence to run concurrently with sentence in 91-CR-163-00

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

1. The defendant shall serve first 6 months in community confinement; the first two months at the Salvation Army CCC with the defendant being allowed to engage in approved employment; the defendant is ordered to report to the probation office in the district which released within 24 hours of his release from the Salvation Army CCC. Remaining 4 months to be served in home confinement with electronic monitoring at the discretion of the probation office with the costs of electronic monitoring to the defendant.
2. The defendant is to pay restitution as described on Page 3 of this Order.
3. The defendant is to abide by the "Special Financial Conditions" of Probation as previously adopted by the Court.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant: MENSER, LARRY R.
Case Number: 92-CR-106-001-B

Judgment—Page 3 of 4**RESTITUTION AND FORFEITURE****RESTITUTION**

☒ The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Commercial Bank & Trust Co. P. O. Box 488 Muskogee, OK 74402-0488	\$101,761.00

Payments of restitution are to be made to:

- ☒ the United States Attorney for transfer to the payee(s).
☐ the payee(s).

Restitution shall be paid:

- ☐ in full immediately.
☐ in full not later than _____.
☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
☒ in installments according to the following schedule of payments:

at the direction of the U. S. Probation Office.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

FORFEITURE

- ☐ The defendant is ordered to forfeit the following property to the United States:

Defendant: MENSER, LARRY R.
Case Number: 92-CR-106-001-B

Judgment—Page 4 of 4

STATEMENT OF REASONS

☐ The court adopts the factual findings and guideline application in the presentence report.

OR

☒ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary): The Court made a factual finding the defendant was somewhere between a minor and minimal participant in the offense and afforded him a three-level reduction in the offense level for sentencing under the Guidelines in accordance with U.S.S.G. § 3B1.2. Said reduction resulted in offense level of 10 instead of offense level of 13, as presented in the presentence report, resulting in the guideline imprisonment range of 6 to 12 months.

Guideline Range Determined by the Court:

Total Offense Level: 10Criminal History Category: 1Imprisonment Range: 6 to 12 monthsSupervised Release Range: 2 to 3 yearsFine Range: \$ 2,000 to \$ 1,728,284

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 101,761.00

☐ Full restitution is not ordered for the following reason(s):

☒ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

ENTERED ON DOCKET

DATE JAN 20 1993

United States District Court

Northern District of Oklahoma

UNITED STATES OF AMERICA

V.

LARRY R. MENSER

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 91-CR-163-001-B

Jeff Kearney

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One of the Indictment
- ☐ was found guilty on count(s) ----- after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(X)
18:1344, 371	Conspiracy to Commit Bank Fraud	07-20-88	One

United States District Court
Northern District of Oklahoma) SS
I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Richard M. Lawrence, Clerk
By J. Adams
Deputy

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) ----- and is discharged as to such count(s).
- ☒ Count(s) Two, Three, Four, & Five of the Indictment(s) (are) dismissed on the motion of the United States.
- ☒ It is ordered that the defendant shall pay a special assessment of \$ 50.00, for count(s) One of the Indictment, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 442-54-0822Defendant's Date of Birth: 08-26-51

Defendant's Mailing Address:

10120 East 31st StreetTulsa, Oklahoma 74146

Defendant's Residence Address:

4917 East 32nd Street, #10Tulsa, Oklahoma 74135

sm

January 12, 1993

Date of Imposition of Sentence

Thomas R. Brett
Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

1-14-93

Date

Defendant: MENSER, LARRY R.
Case Number: 91-CR-163-001-B

Judgment—Page 2 of 4

PROBATION

The defendant is hereby placed on probation for a term of four (4) years. Execution of sentence shall be suspended until 02-08-93 when offender shall surrender to the Salvation Army CCC at 11:00 a.m. Said sentence to run concurrently with sentence in 92-CR-106-001-B. While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

1. The defendant shall serve first 6 months in community confinement; the first two months at the Salvation Army CCC with the defendant being allowed to engage in approved employment; the defendant is ordered to report to the probation office in the district which released within 24 hours of his release from the Salvation Army CCC. Remaining 4 months to be served in home confinement with electronic monitoring at the discretion of the probation office with the costs of electronic monitoring to the defendant.
2. The defendant is to pay restitution as described on Page 3 of this Order.
3. The defendant is to abide by the "Special Financial Conditions" of Probation as previously adopted by the Court.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
 - 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
 - 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
 - 4) the defendant shall support his or her dependents and meet other family responsibilities;
 - 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
 - 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
 - 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
 - 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
 - 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
 - 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
 - 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
 - 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
 - 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14)± The defendant shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant: MENSER, LARRY R.
Case Number: 91-CR-163-001-B

Judgment—Page 3 of 4

RESTITUTION AND FORFEITURE

RESTITUTION

☒ The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Federal Deposit Insurance Corporation Division of Liquidation P. O. Box 26208 Oklahoma City, OK 73126	\$482,887.00

Said restitution to be paid jointly and severally with D. B. "Tink" Wilkerson,
as ordered in companion case 91-CR-162-001-C

Payments of restitution are to be made to:

- ☒ the United States Attorney for transfer to the payee(s).
☐ the payee(s).

Restitution shall be paid:

- ☐ in full immediately.
☐ in full not later than _____.
☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
☒ in installments according to the following schedule of payments:

at the direction of the U. S. Probation Office.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

FORFEITURE

☐ The defendant is ordered to forfeit the following property to the United States:

Defendant: MENSER, LARRY R.
Case Number: 91-CR-163-001-B

Judgment—Page 4 of 4

STATEMENT OF REASONS

☐ The court adopts the factual findings and guideline application in the presentence report.

OR

☒ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary): The Court made a factual finding the defendant was somewhere between a minor and minimal participant in the offense and afforded him a three level reduction in the offense level for sentencing under the Guidelines in accordance with U.S.S.G. § 3B1.2. Said reduction resulted in offense level of 10 instead of offense level of 13, as presented in the presentence report, resulting in the guideline imprisonment range of 6 to 12 months.

Guideline Range Determined by the Court:

Total Offense Level: 10

Criminal History Category: 1

Imprisonment Range: 6 to 12 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 2,000 to \$ 1,728,284

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 482,887.00

☐ Full restitution is not ordered for the following reason(s):

OR

☒ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

DATE JAN 20 1993

United States District Court

Northern

District of

Oklahoma

UNITED STATES OF AMERICA

V.

Michael Sean Hailey

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After September 1, 1987)

Case Number: 92-CR-121-B

Rob Nigh

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One of the Indictment after a
☐ was found guilty on count(s) _____ plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:1152, 13, & 2 21 O.S.A. § 1435	Second Degree Burglary in Indian Country, Aiding and Abetting	United States District Court Northern District of Oklahoma 7-1-92	One

I hereby certify that the foregoing is a true copy of the original on file in this Court.

By J. Adams
Richard L. Lawrence, Clerk
Deputy

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.
☒ It is ordered that the defendant shall pay a special assessment of \$ 50, for count(s) One of the Indictment, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 446-68-3561

Defendant's Date of Birth: 05-27-70

Defendant's Mailing Address:

711 W. Walnut
Barnsdall, OK 74002

Defendant's Residence Address:

same

January 12, 1993

Date of Imposition of Sentence

Thomas R. Brett

Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

1-14-93

Date

mas

Defendant: Michael Sean Hailey
Case Number: 92-CR-121-B

Judgment—Page 2 of 5**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 24 months on Count One of the Indictment

☒ The court makes the following recommendations to the Bureau of Prisons:
El Reno FCI is the recommended prison for the service of Hailey's sentence of imprisonment.

- ☐ The defendant is remanded to the custody of the United States marshal.
☐ The defendant shall surrender to the United States marshal for this district,

☐ at _____ a.m.
_____ p.m. on _____
☐ as notified by the United States marshal.

- ☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
☒ before 2 p.m. on February 15, 1993 at 11:00 a.m.
☐ as notified by the United States marshal.
☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this judgment.

United States MarshalBy _____
Deputy Marshal

Defendant: Michael Sean Hailey
Case Number: 92-CR-121-B

Judgment—Page 3 of 5**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
3 years on Count One of the Indictment

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

☒ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

☒ The defendant shall not possess a firearm or destructive device.

(1) The defendant shall make restitution in the amount of \$1,281 to the Strike Ax Smoke Shop with payments to begin immediately. Any balance remaining to be paid on supervised release as directed by the U. S. Probation Office.

(2) The defendant shall participate in a program of testing for drug usage as directed by the U. S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: Michael Sean Hailey
Case Number: 92-CR-121-B

Judgment—Page 4 of 5**RESTITUTION AND FORFEITURE****RESTITUTION**

☒ The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Strike Ax Smoke Shop Hwy 123 Pawhuska, Oklahoma	\$1,281

Payments of restitution are to be made to:

- ☒ the United States Attorney for transfer to the payee(s).
☐ the payee(s).

Restitution shall be paid:

- ☒ in full immediately.
☐ in full not later than _____.
☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
☒ in installments according to the following schedule of payments: to begin immediately. If not paid immediately, the amount shall be paid during the period of incarceration, with any balance remaining to be paid on supervised release as directed by the U. S. Probation Office.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

FORFEITURE

- ☐ The defendant is ordered to forfeit the following property to the United States:

Defendant: Michael Sean Hailey
Case Number: 92-CR-121-B

Judgment—Page 5 of 5**STATEMENT OF REASONS**

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:Total Offense Level: 11Criminal History Category: VImprisonment Range: 24 to 30 monthsSupervised Release Range: 2 to 3 yearsFine Range: \$ to \$ 1,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 1,281

☐ Full restitution is not ordered for the following reason(s):

☒ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

DATE JAN 4 0 1993**FILED****United States District Court**

JAN 20 1993

NORTHERN

District of OKLAHOMA

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

JEFF JAKE HARGRAVES

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 92-CR-083-001-B

Cheryl Ramsey

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One of the Information
☐ was found guilty on count(s) _____ after a
 plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 1956(a)(1)(A)(i)	Money Laundering	01-03-91	One

United States District Court } ss
Northern District of Oklahoma }I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Richard M. Lawrence, Clerk

By

Deputy

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s).
☒ ~~Count(s)~~ The Original Indictment (is)(are) dismissed on the motion of the United States.
☒ It is ordered that the defendant shall pay a special assessment of \$ 50.00, for count(s) One of the Information, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 447-48-1723Defendant's Date of Birth: 02-04-50

Defendant's Mailing Address:

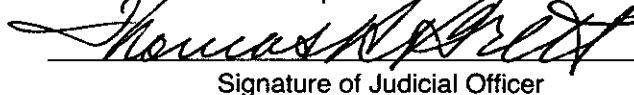
1500 South 9thPonca City, Oklahoma 74601

Defendant's Residence Address:

Same

January 14, 1993

Date of Imposition of Sentence



Signature of Judicial Officer

Thomas R. Brett, U.S. District Judge

Name & Title of Judicial Officer

Jan 20, 1993

Date

Defendant: HARGRAVES, Jeff Jake
Case Number: 92-CR-083-001-B

Judgment--Page 2 of 5**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 51 months

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that the inmate make fine payments of at least \$50.00 per month while incarcerated, through the Inmate Financial Responsibility Program.

☒ The defendant is remanded to the custody of the United States marshal.

☐ The defendant shall surrender to the United States marshal for this district,

- ☐ at _____ a.m.
p.m. on _____
☐ as notified by the United States marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,

- ☐ before 2 p.m. on _____
☐ as notified by the United States marshal.
☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: HARGRAVES, Jeff Jake
Case Number: 92-CR-083-001-B

Judgment—Page 3 of 5**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
three (3) years

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- ☒ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☒ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- ☒ The defendant shall not possess a firearm or destructive device.

You shall provide the U.S. Probation Office with access to any requested financial information, and shall provide copies of all yearly tax returns and related documents.

You shall not engage in any gambling operations, and not associate with any persons engaged in such operations.

You shall participate in drug screening at the discretion of the U.S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing as directed by the U.S. Probation Office.

Defendant: HARGRAVES, Jeff Jake
Case Number: 92-CR-083-001-B

Judgment—Page 4 of 5

FINE

The defendant shall pay a fine of \$ 5,000.00. The fine includes any costs of incarceration and/or supervision.

☐ This amount is the total of the fines imposed on individual counts, as follows:

☐ The court has determined that the defendant does not have the ability to pay interest. It is ordered that:

☒ The interest requirement is waived.

☐ The interest requirement is modified as follows:

This fine plus any interest required shall be paid:

☒ in full immediately.

☐ in full not later than _____.

☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.

☒ in installments according to the following schedule of payments:

Balance of fine is to be paid as directed by the U.S. Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: HARGRAVES, Jeff Jake
Case Number: 92-CR-083-001-B

Judgment—Page 5 of 5**STATEMENT OF REASONS**

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:Total Offense Level: 24Criminal History Category: IImprisonment Range: 51 to 63 monthsSupervised Release Range: 2 to 3 yearsFine Range: \$ 10,000 to \$ 500,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 0

☐ Full restitution is not ordered for the following reason(s):

☒ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

FILE

United States District Court

JAN 20 1993

NORTHERN

District of OKLAHOMA

Richard M. Lawrence, CI
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

OLIN TRISTRAM FLOWERS

Case Number: 92-CR-054-007-E

(Name of Defendant)

Mark D. Lyons

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One (I) of the Indictment
- ☐ was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21:846, 841(a)(1), (b)(1)(B)	Conspiracy To Possess With Intent to Distribute And to Distribute Cocaine	06-04-92	One (I)

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
- ☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.
- ☒ It is ordered that the defendant shall pay a special assessment of \$ 50, for count(s) One (I) of the Indictment, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 379-98-7780Defendant's Date of Birth: 07-19-70

Defendant's Mailing Address:

9889 W. Outer Drive
Detroit, Michigan 48223

Defendant's Residence Address:

9889 W. Outer Drive
Detroit, Michigan 48223

January 14, 1993

Date of Imposition of Sentence

James O. Ellison
Signature of Judicial Officer

James O. Ellison, Chief U.S. District Judge

Name & Title of Judicial Officer

January 14, 1993

Date

By *B. M. Culbough*
Clerk

Defendant: OLIN TRISTRAM FLOWERS
Case Number: 92-CR-054-007-E

Judgment—Page 2 of 4**PROBATION**

The defendant is hereby placed on probation for a term of Four (4) years.

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

The defendant must perform 500 hours of community service in a field related to the harms of crack cocaine usage.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Officer.

Defendant: OLIN TRISTRAM FLOWERS
Case Number: 92-CR-054-007-E

Judgment—Page 3 of 4

FINE

The defendant shall pay a fine of \$ 3,000. The fine includes any costs of incarceration and/or supervision.

☒ This amount is the total of the fines imposed on individual counts, as follows:

Count One (I) of the Indictment

☐ The court has determined that the defendant does not have the ability to pay interest. It is ordered that:

- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

This fine plus any interest required shall be paid:

- ☐ in full immediately.
- ☐ in full not later than _____.
- ☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- ☒ in installments according to the following schedule of payments:

During the term of probation as directed by the U. S. Probation Office

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: OLIN TRISTRAM FLOWERS
Case Number: 92-CR-054-007-E

Judgment—Page 4 of 4**STATEMENT OF REASONS**

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:Total Offense Level: 21Criminal History Category: IImprisonment Range: 37 to 46 monthsSupervised Release Range: 4 to 5 yearsFine Range: \$ 7,500 to \$ 2,000,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ N/A

☐ Full restitution is not ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☒ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

ENTERED ON DOCKET

FILED

DATE JAN 20 1993

JAN 20 1993

United States District Court

NORTHERN

District of

OKLAHOMA

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

ALVIN MANSKER

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 92-CR-047-006-B

Stanley D. Monroe

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) Count One (I) of the Indictment
- ☐ was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21:846, 841(a)(1), and 841(b)(1)(A)(iii)	Conspiracy To Manufacture, Possess with Intent And Distribute Over 50 Grams Of Cocaine Base	June, 1990	One (I)

United States District Court
Northern District of Oklahoma

I hereby certify that the foregoing is a true copy of the original on file in this Court.

Richard M. Lawrence, Clerk
By J. Adams
Deputy

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
- ☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.
- ☒ It is ordered that the defendant shall pay a special assessment of \$ 50, for count(s) One (I) of the Indictment, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 448-58-2365Defendant's Date of Birth: 07-17-57

Defendant's Mailing Address:

1547 East 52nd Street NorthTulsa, Oklahoma 74126

Defendant's Residence Address:

Same as above

January 15, 1993

Date of Imposition of Sentence

Thomas R. Brett

Signature of Judicial Officer

Thomas R. Brett, U.S. District Judge

Name & Title of Judicial Officer

Jan. 20, 1993

Date

JW

Defendant: **Alvin Mansker**
Case Number: **92-CR-047-006-B**

Judgment—Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 121 months

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States marshal.

☐ The defendant shall surrender to the United States marshal for this district,

☐ at _____ a.m.
_____ p.m. on _____

☐ as notified by the United States marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,

☐ before 2 p.m. on _____

☐ as notified by the United States marshal.

☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at

_____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: Alvin Mansker
Case Number: 92-CR-047-006-B

Judgment—Page 3 of 4**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

Five (5) years

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- ☒ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- ☒ The defendant shall not possess a firearm or destructive device.

That the defendant successfully participate in a program approved by the U. S. Probation Office for the treatment of substance abuse.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
14. The defendant shall submit to urinalysis testing as directed by the U. S. Probation Officer.

Defendant: Alvin Mansker
Case Number: 92-CR-047-006-B

Judgment—Page 4 of 4

STATEMENT OF REASONS

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 32

Criminal History Category: I

Imprisonment Range: 121 to 151 months

Supervised Release Range: 3 to 5 years

Fine Range: \$ 17,500 to \$ 4,000,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ N/A

☐ Full restitution is not ordered for the following reason(s): N/A

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☒ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

The minimum of the guideline range adequately addresses the seriousness of the offense and the defendant's involvement in the crime.

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

DATE JAN 20 1993

United States District Court

NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE

BERT GRAYE
10013 Walnut Drive, #104
Kansas City, Missouri 64114

Case Number: 85-CR-101-001-B

(Name and Address of Defendant)

Paul Brunton (Retained)

Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

☒ guilty ☐ nolo contendere] as to count(s) XX One of the Indictment, and
☐ not guilty as to count(s) -----

THERE WAS A:

☐ finding ☐ verdict] of guilty as to count(s) -----

THERE WAS A:

☐ finding ☐ verdict] of not guilty as to count(s) -----

United States District Court) SS
Northern District of Oklahoma)

I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Richard M. Lawrence, Clerk

By J. Adams
Deputy

☐ judgment of acquittal as to count(s) -----

The defendant is acquitted and discharged as to this/these count(s).

THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF:

False Statements on Loan Application; Title 18, United States Code, Section 1014

IT IS THE JUDGMENT OF THIS COURT THAT:

The imposition of sentence is suspended and the defendant is placed on probation for four (4) years. As a special condition, the defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Court Order Number 128. In addition, the defendant shall pay a fine in the amount of \$5,000 in regular monthly installment payments, as directed by the United States Probation Office. A Special Monetary Assessment is not applicable in this case.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed.

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

- (1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;
- (2) associate only with law-abiding persons and maintain reasonable hours;
- (3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work notify your probation officer at once, and consult him prior to job changes);
- (4) not leave the judicial district without permission of the probation officer;
- (5) notify your probation officer immediately of any changes in your place of residence;
- (6) follow the probation officer's instructions and report as directed.

The court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total special assessment of \$ N/A pursuant to Title 18, U.S.C. Section 3013 for count(s) N/A as follows:

IT IS FURTHER ORDERED THAT counts N/A are DISMISSED on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments and costs are fully paid, the defendant shall immediately notify the United States attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the clerk of the court deliver a certified copy of this judgment to the United States marshal of this district.

☐ The Court orders commitment to the custody of the Attorney General and recommends:

January 13, 1993

Date of Imposition of Sentence



Signature of Judicial Officer

Thomas R. Brett, United States District Judge

Name and Title of Judicial Officer

1-15-93

Date

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
 Date

_____, the institution designated by the Attorney General, with a certified copy of this Judgment in a Criminal Case.

United States Marshal

By _____
 Deputy Marshal

FILED

United States District Court

JAN 19 1993

Northern District of Oklahoma

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Carole Susan Coleman Riley

Case Number: 92-CR-108-001-E

(Name of Defendant)

Jack Gordon (Retained)

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One of the Information
☐ was found guilty on count(s) _____
 plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:287	False, Fictitious, or Fraudulent Claims	12-7-90	One

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
 and is discharged as to such count(s).
☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.
☒ It is ordered that the defendant shall pay a special assessment of \$ 50, for count(s) One of the Information, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 520-76-8189Defendant's Date of Birth: 12-21-58

Defendant's Mailing Address:

P. O. Box 192
Claremore, Oklahoma 74018

Defendant's Residence Address: United States District Court) SS
Northern District of Oklahoma)
Same I hereby certify that the foregoing
 is a true copy of the original on file
 in this Court.

Jack C. Silver, Clerk

By AMC Lough
Deputy

January 12, 1993

Date of Imposition of Sentence

James O. Ellison
 Signature of Judicial Officer

James O. Ellison, Chief U. S. District Judge
 Name & Title of Judicial Officer

Jan. 19, 1993
 Date

mas

Defendant: Carole Susan Coleman Riley
Case Number: 92-CR-108-001-E

Judgment—Page 2 of 5**PROBATION**

The defendant is hereby placed on probation for a term of 2 years on Count One of the
Information.

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: Carole Susan Coleman Riley
Case Number: 92-CR-108-001-E

Judgment—Page 3 of 5

FINE

The defendant shall pay a fine of \$ 500 . The fine includes any costs of incarceration and/or supervision.

- ☒ This amount is the total of the fines imposed on individual counts, as follows:
on Count One of the Information, to begin upon completion of the restitution payment.

- ☐ The court has determined that the defendant does not have the ability to pay interest. It is ordered that:
- ☐ The interest requirement is waived.
 - ☐ The interest requirement is modified as follows:

This fine plus any interest required shall be paid:

- ☐ in full immediately.
- ☐ in full not later than _____.
- ☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- ☒ in installments according to the following schedule of payments:

as directed by the probation office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: Carole Susan Coleman Riley
Case Number: 92-CR-108-001-E

Judgment—Page 4 of 5

RESTITUTION AND FORFEITURE

RESTITUTION

☒ The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Bureau of Land Management c/o District Manager 9522-H East 47th Place Tulsa, Oklahoma 74145	\$4,384.60

Payments of restitution are to be made to:

- ☒ the United States Attorney for transfer to the payee(s).
☐ the payee(s).

Restitution shall be paid:

- ☐ in full immediately.
☐ in full not later than _____.
☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
☒ in installments according to the following schedule of payments:
as directed by the U. S. Probation Office.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

FORFEITURE

- ☐ The defendant is ordered to forfeit the following property to the United States:

Defendant: Carole Susan Coleman Riley
Case Number: 92-CR-108-001-E

Judgment—Page 5 of 5**STATEMENT OF REASONS**

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:Total Offense Level: 7Criminal History Category: IImprisonment Range: 0 to 6 monthsSupervised Release Range: 2 to 3 yearsFine Range: \$ 500 to \$ 5,000

☐ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 4,384.60

☐ Full restitution is not ordered for the following reason(s):

☒ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

DATE 1-15-93

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

JO ANNE ROWE BLACKBURN,)

Defendant.)

No. 92-CR-57-02-C

~~FILE~~~~JAN 13 1993~~~~Richard M. Lawrence, Clerk
U.S. DISTRICT COURT~~

FILED

JAN 15 1993 *rm*Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

DISMISSAL OF COUNTS
(With Leave of Court)

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby dismisses Counts 5, 7, 13, 18, 19, 49, 67, 68, 69, 93, 94, 119, 120, 128, 129, 130 and 136 of the Indictment filed June 4, 1992, against Jo Anne Rowe Blackburn, defendant.

Dated as of December 16, 1992.

TONY M. GRAHAM
United States Attorney

[Signature]
GORDON B. CECIL
Assistant United States Attorney

With the consent of the defendant, Jo Anne Rowe Blackburn, leave of court is granted for the filing of the foregoing Dismissal of Counts.

[Signature]
H. DALE COOK
United States District Judge

Date:

GBC:ssg

DATE 1-15-93UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**FILED**~~JAN 13 1993~~~~Richard M. Lawrence, Court Clerk
U.S. DISTRICT COURT~~

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

No. 92-CR-57-03-C)

CATHERINE ANN JOHNSON,)

Defendant.)

FILED

JAN 15 1993

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**DISMISSAL OF COUNTS**
(With Leave of Court)

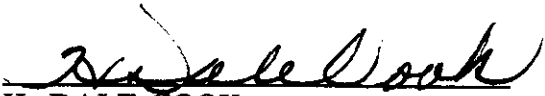
Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby dismisses Counts 5, 7, 10, 11, 13, 18, 19, 23, 24, 25, 26, 28, 29, 31, 39, 43, 46, 49, 55, 63, 65, 67, 68, 69, 74, 93, 94, 95, 114, 115, 116, 117, 118, 119, 120, 123, 124, 125, 128, 129, 130, 133, 134, 135, and 136 of the Indictment filed June 4, 1992, against Catherine Ann Johnson, defendant.

Dated as of December 16, 1992.


 TONY M. GRAHAM
 United States Attorney


 GORDON B. CECIL
 Assistant United States Attorney

With the consent of the defendant, Catherine Ann Johnson, leave of court is granted for the filing of the foregoing Dismissal of Counts.


H. DALE COOK
United States District Judge

Date:

GBC:ssg

DATE 1-14-93**United States District Court**Northern**DISTRICT OF**Oklahoma

UNITED STATES OF AMERICA

JUDGMENT OF ACQUITTAL

V.


Catherine Ann Johnson

CASE NUMBER: 92-CR-057-003-C

The Defendant was found not guilty. IT IS ORDERED that the Defendant is acquitted, discharged, and any bond exonerated.

FILED

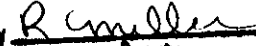
JAN 13 1993

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
Signature of Judicial OfficerH. Dale Cook, U. S. District Judge
Name and Title of Judicial OfficerJanuary 11, 1993

Date

United States District Court) SS
Northern District of Oklahoma)I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Richard M. Lawrence, Clerk

By 
Deputy

ENTERED ON DOCKET

DATE 1-14-93**United States District Court**NORTHERNDistrict of OKLAHOMA

UNITED STATES OF AMERICA

V.

KELLY LAINE WOODEN

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 92-CR-122-001-C

FILED

R. Thomas Seymour

Defendant's Attorney

JAN 13 1993Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
after a**THE DEFENDANT:**

- ☒ pleaded guilty to count(s) One of the Information
☐ was found guilty on count(s) _____
 plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 657	Misapplication of Funds from a Financial Institution	3 30-92	One

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.
☒ It is ordered that the defendant shall pay a special assessment of \$ 50.00, for count(s) One of the Information, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 448-66-0983Defendant's Date of Birth: 9-28-60January 11, 1993

Date of Imposition of Sentence

Defendant's Mailing Address:

104 Hidden Creek CircleKnoxville, TN 37922United States District Court)
Northern District of Oklahoma)

SS

H. Dale Cook, U.S. District Judge

Name & Title of Judicial Officer

Defendant's Residence Address:

SameI hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Richard M. Lawrence, Clerk

By R. Miller
Deputy

Date

Defendant: WOODEN, Kelly Laine
Case Number: 92-CR-122-001-C

Judgment—Page 2 of 3**FINE**

The defendant shall pay a fine of \$ 750.00. The fine includes any costs of incarceration and/or supervision.

☐ This amount is the total of the fines imposed on individual counts, as follows:

☒ The court has determined that the defendant does not have the ability to pay interest. It is ordered that:

- ☒ The interest requirement is waived.
☐ The interest requirement is modified as follows:

This fine plus any interest required shall be paid:

- ☐ in full immediately.
☐ in full not later than _____.
☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
☒ in installments according to the following schedule of payments:

Fine is to be paid within 90 days of sentencing.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: **WOODEN, Kelly Laine**
Case Number: **92-CR-122-001-C**

Judgment—Page 3 of 3

STATEMENT OF REASONS

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 3

Criminal History Category: I

Imprisonment Range: 0 to 6 months

Supervised Release Range: 3 to 5 years

Fine Range: \$ 100 to \$ 1,000,000

☐ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ -0-

☐ Full restitution is not ordered for the following reason(s):

☒ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

DATE 1-14-93**United States District Court**

Northern

DISTRICT OF

Oklahoma

UNITED STATES OF AMERICA

JUDGMENT OF ACQUITTAL

V.

Jo Anne Rowe Blackburn

CASE NUMBER: 92-CR-057-002-C

The Defendant was found not guilty. IT IS ORDERED that the Defendant is acquitted, discharged, and any bond exonerated.

FILED

JAN 13 1993

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

H. Dale Cook
Signature of Judicial Officer

H. Dale Cook, U. S. District Judge
Name and Title of Judicial Officer

January 11, 1993

Date

United States District Court)
Northern District of Oklahoma) SS

I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Richard M. Lawrence, Clerk

By R. Miller
Deputy

United States District Court

Northern

District of

Oklahoma

ENTERED ON DOCKET

DATE 1-14-93

UNITED STATES OF AMERICA

V.

Wilkie Bill Burtrum

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 92-CR-098-001-C

FILED

JAN 14 1993

Rob Nigh

Defendant's Attorney Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
- ☒ was found guilty on count(s) One, Two, Three and Four of the Superseding Indictment after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:1151, 1153, & 2241(c)	Aggravated Sexual Abuse With Children Committed Within Indian Country	11/10/91	One
		9/1/90	Three
18:1151, 1153, & 2244(a)(1)	Aggravated Sexual Abuse With Children Committed Within Indian Country	11/9/91	Two
		12/24/89	Four

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
- ☒ ~~Counts~~ The Original Indictment (is) ~~are~~ dismissed on the motion of the United States.
- ☒ It is ordered that the defendant shall pay a special assessment of \$ 200 (Total), for count(s) One, Two, Three and Four of the, which shall be due ☒ immediately ☐ as follows:
Superseding Indictment

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 488-66-5629Defendant's Date of Birth: 11-6-59

Defendant's Mailing Address:

Rt. 1, Box 476

Quapaw, Oklahoma

January 8, 1993

Date of Imposition of Sentence

Signature of Judicial Officer

H. Dale Cook, U. S. District Judge

Name & Title of Judicial Officer

Defendant's Residence Address:

Same

I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Richard M. Lawrence, Clerk

By R. Miller
Deputy

Date

mas

Defendant: Wilkie Bill Burtrum
Case Number: 92-CR-098-001-C

Judgment—Page 2 of 5**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of Count 1 - 170 months

Count 3 - 170 months, Count 3 to run concurrently to Count 1

Count 2 - 120 months

Count 4 - 120 months

Counts 2 and 4 to run concurrently to Counts 1 & 3.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States marshal.

☐ The defendant shall surrender to the United States marshal for this district,

☐ at _____ a.m.
_____ p.m. on _____

☐ as notified by the United States marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,

☐ before 2 p.m. on _____

☐ as notified by the United States marshal.

☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____

_____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: Wilkie Bill Burtrum
Case Number: 92-CR-098-001-C

Judgment—Page 3 of 5

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

Counts 1 & 3: 5 years each Counts 2 & 4: 3 years each

All counts to run concurrently.

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- ☒ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- ☒ The defendant shall not possess a firearm or destructive device.
- (1) The defendant shall participate in a program of mental health treatment and alcohol treatment, as directed by the probation office.
- (2) The defendant shall be prohibited from any unsupervised visits or contact with any minor children. This condition is subject to review by the Court given the lengthy period of incarceration in this case.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing at the direction of the U. S. Probation Office.

Defendant: Wilkie Bill Burtrum
Case Number: 92-CR-098-001-C

Judgment—Page 4 of 5

FINE

The defendant shall pay a fine of \$ 500. The fine includes any costs of incarceration and/or supervision.

☒ This amount is the total of the fines imposed on individual counts, as follows:

Count One

☐ The court has determined that the defendant does not have the ability to pay interest. It is ordered that:

- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

This fine plus any interest required shall be paid:

- ☒ in full immediately.
- ☐ in full not later than _____.
- ☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- ☒ in installments according to the following schedule of payments:

If not paid during his incarceration, the defendant shall pay the balance during his period of supervised release as directed by the probation office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: Wilkie Bill Burtrum
Case Number: 92-CR-098-001-C

Judgment—Page 5 of 5**STATEMENT OF REASONS**

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:Total Offense Level: 35Criminal History Category: IImprisonment Range: 168 to 210 months

Cts. 1, 3: 3 to 5 years

Supervised Release Range: to years Cts. 2, 4: 2 to 3 yearsFine Range: \$ 20,000 to \$ 200,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ N/A

☐ Full restitution is not ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☒ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

The sentence imposed reflects the seriousness of the offense and the characteristics of the defendant.

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

DATE 1-14-93

FILED

JAN 13 1993

United States District Court

NORTHERN

District of

OKLAHOMA

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

ROBERT GENE COFFELT

Case Number: 92-CR-074-001-B

(Name of Defendant)

Roy W. (Bud) Byars

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) Three of the Superseding Indictment
☐ was found guilty on count(s) _____ after a
 plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:922(a)(5) 922(b)(3) 924(a)	Unlawful Transfer of Firearms to Person Who Transferor Has Reasonable Cause to Believe Resides in Any Other State or County Other than that in Which Transferor Resides	10-5-91	Three

United States District Court } SS
Northern District of Oklahoma }I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Richard M. Lawrence, Clerk

By J. Adams
DeputyThe defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
 and is discharged as to such count(s).
☒ Count(s) One & Two of the Superseding Indictment & all counts of the Indictment (s) (are) dismissed on the motion of the United States.
☒ It is ordered that the defendant shall pay a special assessment of \$ 50 for count(s) Three of the Superseding Indictment, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 441-48-4242Defendant's Date of Birth: 2-19-48

Defendant's Mailing Address:

3822 South 115th East Ave.
Tulsa, OK 74146

Defendant's Residence Address:

3822 South 115th E. Ave.
Tulsa, OK 74146

January 12, 1993

Date of Imposition of Sentence

Thomas R. Brett
Signature of Judicial OfficerThe Honorable Thomas R. Brett
U.S. District Judge

Name & Title of Judicial Officer

1-13-93

Date

JW

Defendant: Robert Gene Coffelt
Case Number: 92-CR-074-001-B

Judgment—Page 2 of 3

PROBATION

The defendant is hereby placed on probation for a term of three years.

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

The defendant shall serve the first sixty days in home detention. The use of an electronic monitoring service shall be at the sole discretion of the U.S. Probation Office, but if such service is used, the defendant shall pay the costs.

The defendant shall participate in a mental health program until the probation office determines that the defendant may terminate his participation. This condition may be satisfied by the defendant's continued participation in various Veteran's Administration services and programs.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
14. the defendant shall submit to urinalysis as directed by the U.S. Probation Office.

Defendant: Robert Gene Coffelt
Case Number: 92-CR-074-001-B

Judgment—Page 3 of 3

STATEMENT OF REASONS

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 10

Criminal History Category: I

Imprisonment Range: 6 to 12 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 2,000 to \$ 20,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$

☐ Full restitution is not ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☒ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

ENTERED ON DOCKET
JAN 14 1993

United States District Court

Northern District of Oklahoma

UNITED STATES OF AMERICA

V.

Michael Jeffrey Morris
(Name of Defendant)JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After September 1, 1987)

Case Number: 92-CR-60-001-B

Ernie Bedford

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One of the Indictment after a
☐ was found guilty on count(s) _____ after a
 plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
42:408(a)(7)(B)	Use of Fraudulent Social Security Number	11-4-91	One

By Richard M. Lamm, Clerk
 January 11, 1993

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
☐ Count(s) _____ (is)(are) dismissed on the motion of the United States.
☒ It is ordered that the defendant shall pay a special assessment of \$ 50, for count(s) One of the Indictment, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 441-50-9999Defendant's Date of Birth: 3-20-62

Defendant's Mailing Address:

1921 S. Gum StreetBroken Arrow, OK

Defendant's Residence Address:

Same

January 4, 1993

Date of Imposition of Sentence

Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

Date

Defendant: Michael Jeffrey Morris
Case Number: 92-CR-060-001-B

Judgment—Page 2 of 5

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 30 months

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that the defendant make restitution payments of \$50 per month during incarceration through the Inmate Financial Responsibility Program.

- ☐ The defendant is remanded to the custody of the United States marshal.
- ☐ The defendant shall surrender to the United States marshal for this district,

- ☐ at _____ a.m. _____ p.m. on _____
- ☐ as notified by the United States marshal.

- ☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
- ☐ before ~~2 p.m.~~ 11:00 a.m. on February 8, 1993
- ☐ as notified by the United States marshal.
- ☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____

_____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: Michael Jeffrey Morris

Judgment—Page 3 of 5

Case Number: 92-CR-060-001-B

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

three years

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

☒ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

☒ The defendant shall not possess a firearm or destructive device.

The defendant shall pay any remaining restitution balance as directed by the U.S. Probation Office.

The defendant shall not open any checking, savings, or credit accounts without the prior written permission of the U. S. Probation Office.

The defendant shall refrain from accepting employment which would give him access to an employer's money, accounts, or inventory.

The defendant shall participate in psychological counseling as directed by the U.S. Probation Office.

Drug screening as directed by the U. S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing at the direction of the U. S. Probation Office.

Defendant: Michael Jeffrey Morris
Case Number: 92-CR-060-001-B

Judgment—Page 4 of 5**RESTITUTION AND FORFEITURE****RESTITUTION**

☒ The defendant shall make restitution to the following persons in the following amounts:

Name of Payee**Amount of Restitution**

See Attachment

\$6,741

Payments of restitution are to be made to:

- ☒ the United States Attorney for transfer to the payee(s).
☐ the payee(s).

Restitution shall be paid:

- ☒ in full immediately.
☐ in full not later than _____.
☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
☒ in installments according to the following schedule of payments:

Any remaining restitution is to be paid as directed by the U.S. Probation Office while on supervised release.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

FORFEITURE

- ☐ The defendant is ordered to forfeit the following property to the United States:

RESTITUTION LIST.....MICHAEL JEFFREY MORRIS - 92-CR-060-001-B

Sooner Federal Savings P. O. Box 1004 Tulsa, OK 74101-1004	\$ 294
Associates Financial Corporation P. O. Box 227016 Dallas, TX 75222-7016	\$ 3,403
Connie Baldwin c/o Liberty Towers 1502 S. Boulder Tulsa, OK 74119	\$ 2,000
Bencharge Credit Services 3132 S. Garnett Rd. #A Tulsa, OK 74146-1901	\$ 4,000
Discover Card P. O. Box 29024 Phoenix, AZ 85038-9024	\$ 2,818
Foley's Department Store Attn: Bill Hall P. O. Box 1971 Houston, TX 77251	\$ 6,610
AT&T Universal 8787 Baypine Road Jacksonville, FL 32256	\$10,150
AN Trust Company Bank P. O. Box 4418, Dept. 144 Atlanta, GA 30302	\$ 3,633
Security Bank 10802 E. 31st Street Tulsa, OK 74147	\$ 2,369
Bailey, Banks & Biddle 901 W. Walnut Hill Lane Irving, TX 74038	\$ 4,907
Citibank Visa P. O. Box 6500 Sioux Falls, SD 57117-6500	\$13,713
American Express Travel P. O. Box 7871 Ft. Lauderdale, FL 33329	\$23,729
TOTAL	\$77,626

Defendant: Michael Jeffrey Morris
Case Number: 92-CR-060-001-B

Judgment—Page 5 of 5**STATEMENT OF REASONS**

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:Total Offense Level: 12Criminal History Category: VImprisonment Range: 27 to 33 monthsSupervised Release Range: 2 to 3 yearsFine Range: \$ 3,000 to \$ 30,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 77,626

☒ Full restitution is not ordered for the following reason(s):
Inability to pay full amount

☒ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

ENTERED ON DOCKET

DATE 1-13-93

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAN 13 1993

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs) 92-CR-95-C
)
LEONARD JAMES TERNES,)
)
Defendant)

RICHARD M. LAWRENCE
CLERK
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OK

ORDER

Before the Court is the motion of the Defendant Leonard James Ternes for judgment of acquittal as to Count 1 of the original Indictment filed August 6, 1992 and for dismissal of Counts 1 and 2 of the Superseding Indictment filed on November 6, 1992. Defendant asserts that these counts involve possession of an unregistered sawed-off shotgun which is the same shotgun that was the subject of Count 2 of the original Indictment in which he was found not guilty by a jury on October 22, 1992. Defendant is seeking acquittal and dismissal asserting that the government is barred by the Fifth Amendment protection against double jeopardy and the doctrine of collateral estoppel from further prosecuting him on any claims relating to the sawed-off shotgun.

In the original Indictment filed on August 6, 1992, Ternes was charged in Count 1 with possession of an unregistered, sawed-off shotgun and in Count 2 with possession of the same sawed-off shotgun after former conviction of a felony. The case was submitted to the jury, and after several hours of deliberation, the

jury indicated it had reached a verdict as to one of the two counts and was deadlocked on the remaining count. The Court received the partial verdict which found Ternes not guilty as to Count 2. The Court declared a mistrial as to Count 1.

At trial the government presented evidence that the sawed-off shotgun in question was purchased by Peggy Pearman for and at Leonard and Virginia Ternes request while she was living with them in Kansas City, Missouri. Ms. Pearman testified that Leonard Ternes sawed off the barrel of the shotgun in Kansas City and that it was fired in the basement of the Ternes home in Kansas City.

The government also presented evidence that by February, 1992, Leonard and Virginia Ternes were living in or near Afton, Oklahoma. The Government presented the testimony of Jim White, a Delaware County Deputy Sheriff, who testified that the sawed-off shotgun was found in Delaware County, Oklahoma hidden in some leaves close to a .22 caliber handgun. Another government witness testified that Leonard Ternes had the .22 caliber handgun in his possession on February 28, 1992.

As to the offense charged in Count 1 of the original Indictment, in which the jury was unable to arrive at a verdict, the Court instructed the jury that they must find that the government had proved the following essential elements beyond a reasonable doubt:

- 1) the Defendant knew he had a firearm in his possession;
- 2) the firearm was a sawed-off shotgun having a barrel or barrels less than 18 inches in length;

3) the firearm was capable of firing a cartridge; and

4) the firearm was not registered to Defendant in the National Firearms Registration and Transfer Record.

At trial the government offered the testimony of FBI Special Agent Les Farris who testified that the sawed-off shotgun had a barrel less than 18 inches in length, and that it was capable of firing a cartridge. By stipulation, it was admitted that the sawed-off shotgun was not registered to the defendant in the National Firearms Registration & Transfer Records. The only contested issue for the jury to determine as to Count 1 was whether the defendant knowingly possessed the sawed-off shotgun in the Northern District of Oklahoma as alleged in the Indictment count.

The Court instructed the jury as to Count 2 of the Indictment, in which the jury found the defendant not guilty, as follows:

1) that the Defendant Leonard James Ternes, was convicted in a court of a crime punishable by imprisonment for a term exceeding one year, as alleged in the Indictment;

2) that Leonard James Ternes thereafter knowingly received (a firearm) as alleged in the Indictment; and

3) that the firearm had previously been shipped or transported in interstate commerce.

By stipulation it was agreed and thus established that the Defendant had previously been convicted of a felony. The evidence at trial was uncontested that the gun in question was purchased by Ms. Pearman in Kansas City, Missouri and was later discovered in Delaware County, Oklahoma. It was the testimony of Ms. Pearman

that she had purchased the gun in Kansas City, Missouri at Ternes request and that she had delivered the gun to Ternes in Kansas City and further that she did not bring the gun to Oklahoma. The testimony also established that Leonard Ternes lived at the residence which Ms. Pearman testified the gun was taken, in Kansas City, Missouri and Leonard Ternes lived for a time where the gun was found in Delaware County, Oklahoma.

The entire argument to the jury was whether the defendant Leonard Ternes ever possessed or received the gun "in the Northern District of Oklahoma" as alleged in the Indictment. Defense Counsel attacked the credibility and believability of the Government witness, Ms. Pearman, the entire defense rested on whether the Government had proved, beyond a reasonable doubt, receipt of the gun in the Northern District of Oklahoma by Defendant Ternes. No issue before the jury was made as to whether the gun was a sawed-off shotgun having a barrel less than 19 inches in length or that it was capable of firing a cartridge and not registered in the National Firearms Registration and Transfer Record. The sole contested essential element was possession of the gun by Defendant Ternes in the Northern District of Oklahoma. To this issue the jury returned its verdict of Not Guilty.

In an effort to avoid collateral estoppel on the issue of possession, the government argues that the jury found the defendant not guilty as to Count 2 upon the government's failure to prove the requirement that the firearm traveled through interstate commerce prior to the sawed-off shotgun being purchased by Ms. Pearman in

Kansas City. Thus the government argues that it is not collaterally estopped from a second trial of the defendant on the issue of receipt after having traveled in interstate commerce.

The Court finds government's assertions without merit. Even though government failed to put on expert testimony that the gun had been manufactured outside Missouri or Oklahoma, the evidence was clear and not refuted that the sawed-off shotgun had been in Kansas City, Missouri prior to it being discovered in Oklahoma by the Delaware County Deputy Sheriff. Thus the sawed-off shotgun would have had to travel, in some fashion, through interstate commerce for it to have been in Oklahoma, which was the relevant location for possession of the sawed-off shotgun in the trial. There was no need for the government to offer proof that the gun had traveled in interstate commerce before being transported from Kansas City, Missouri to Oklahoma.

The only relevant contested issue at the trial was whether the defendant had received the sawed-off shotgun after it arrived in the Northern District of Oklahoma. The jury thus simply found that the government had failed to prove, beyond a reasonable doubt, that the defendant Leonard Ternes received or possessed the gun in the Northern District of Oklahoma. The government cannot argue that the defendant's receipt of the sawed-off shotgun in Kansas City, Missouri, was sufficient to convict him of the offense charged in Count 2, which charged receipt of the firearm "in the Northern District of Oklahoma."

The Court finds that the only common contested issue of fact

at the trial of Counts 1 and 2 of the original Indictment is the element of possession in Oklahoma. As to that issue, the government is collaterally estopped from placing the defendant in double jeopardy. Collateral estoppel has been defined by the Supreme Court as when "an issue of ultimate fact has been determined by a valid and final judgment, that issue cannot again be litigated between the same parties in any future lawsuit." Ashe v. Swenson, 397 U.S. 436, 443. Two inquiries are to be made by the Court, "First, what facts were necessarily determined in the first law suit? Second, has the government in a subsequent trial tried to relitigate facts necessarily established against it in the first trial?" Id.


Through the jury's pronouncement of a not guilty verdict as to Count 2 of the original Indictment with the only contested issue being whether the defendant received the sawed-off shotgun here in the Northern District of Oklahoma, the Court finds and concludes that the government is collaterally estopped from a second trial as to the offense charged in Count 1 of the Indictment, possession of an unregistered firearm after former conviction.

Defendant is also seeking dismissal of Count 1 contained in the Superseding Indictment which alleges a separate offense of conspiracy between Virginia and Leonard Ternes to possess the subject sawed-off shotgun. As to this count, the Court finds Defendant's motion without merit. Even though the defendant may have been found not guilty of individually possessing the subject sawed-off shotgun, it is a separate and independent issue as to

whether Leonard Ternes conspired with his wife to possess the sawed-off shotgun here in the Northern District of Oklahoma. This issue has not been presented to a jury.

In so finding, the Court hereby grants defendant's motion for acquittal as to Count 1 of the Indictment filed on August 6, 1992, and Defendant's motion to dismiss Count 2 of the Superseding Indictment filed on November 6, 1992. Defendant's motion to dismiss Count 1 of the Superseding Indictment is denied.

IT IS SO ORDERED this 13th day of January, 1993.


H. DALE COOK
UNITED STATES DISTRICT JUDGE

JAN 12 1993

DATE _____

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**FILED**

JAN 12 1993

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VERNON O. HOLLAND, JAMES
DAVIS DRANE MAULDIN, JR.,

Defendants.

No. 90-CR-10-B

Richard M. Lawrence, Court Clerk
U.S. DISTRICT COURTO R D E R

This matter comes on for consideration of Defendants' Verified Motion To Dismiss Indictment Based on Discriminatory and Vindictive Prosecution filed on November 27, 1992.¹ Also under consideration is the Court's *sua sponte* Order of December 7, 1992, directing the parties to submit briefs addressing the following:

"In view of the Court dismissing the conspiracy count (Count 1) with prejudice, at the request of the Government, and thereafter the Tenth Circuit Court of Appeals ruling (on Defendants' double jeopardy appeal) that jeopardy has attached to Count 1, and in light of the second predicate violation requirement of 31 U.S.C. §5322(b) ("while violating another law of the United States"), is the conspiracy count, to which jeopardy has attached, available as a predicate second violation as charged in the Indictment? If not available, is Defendant Holland subject to potential conviction under §5322(a) as a lesser included offense of §5322(b)?"

Defendants' vindictive prosecution motion is essentially based upon the premise that: The First Amendment bars a prosecution that would not have been brought but for a desire to discourage

¹ The Court notes Defendants' Motion is considerably out of time, the deadline for filing defense motions having been set for December 29, 1990. Notwithstanding, the Court will consider Defendants' instant Motion as if timely filed.

protected expression, even if there might also have been a permissible motive for prosecution. Upon such premise Defendants allege: (A) The National, Regional and District officials (of the Internal Revenue Service) developed a strategy designed to eliminate NCBA/FEA's² boycott against the Federal Reserve throughout the United States, including associational rights and other activity they knew was protected by the First Amendment; and (B) This unconstitutional strategy was applied to Defendants.³

Defendants begin their efforts by stating "[I]t is uncontroverted that the Freeman Education Association/National Commodity and Barter Association are unincorporated, voluntary political, educational associations, opposed to the current tax, fiscal and monetary laws and policies of the United States.⁴ The Court views the record herein and the rather sizeable body of "tax protesters" case precedent as amply supporting this.

Defendants next state that IRS district tax protester coordinator William Walter considered the NCBA as "a classic tax

² National Commodity Barter Association/Freeman Educational Association.

³ These issues were set forth in Defendants' filing of January 4, 1993. Defendants' 55 page Verified Motion, filed November 27, 1992, set forth these same issues in longer form. Attached to such Motion were Exhibits 1-41, comprised of a few hundred pages of non-tabbed, non-indexed material.

⁴ It is unclear whether Defendants characterize FEA and NCBA as one monolithic association or two separate associations (as perceived by Court from the record herein).

protester organization"⁵; that Walter explained that the NCBA was formed as the result of NCBA's founder, John Grandbouche, running for Lieutenant Governor of Colorado in 1978, and a large part of Mr. Grandbouche's platform consisted of tax protester ideas; that Walter testified that the IRS had a campaign to identify members of the NCBA and investigate them⁶. Defendants argue that John Pleasant, a highly visible member of NCBA⁷, has testified that NCBA has been subjected to "almost continuous grand jury and/or IRS criminal investigations from 1979 to date".

Defendants further argue it is uncontroverted that the IRS maintains a list in its national computer system which identifies individuals classified as "illegal tax protesters."

Defendants state that John Pleasant was provided, in 1983, a document by the Austin Service Center Freedom of Information Office in response to a request he made. Pleasant testified that the document is:

⁵ Walter's testimony was given November 19, 1992, in National Commodity and Barter Association, et al, v. United States of America, 89-M-1912, United States District Court for the District of Colorado. The exact testimony was: "The NCBA was -- I guess I could say it was a classic tax protester organization."

⁶ The exact testimony was:

"Q Well, you say the NCBA, but you're really talking about NCBA members and their individual tax liabilities, aren't you?

A That's the way--yes, sir. That's the way we had been approaching the NCBA, was identifying known members and, first of all, seeing what their situation was, if they'd filed tax returns. And at least as far as I was involved in the examination division, I was focusing exclusively on those that had not filed tax returns."

⁷ See Pleasant v. Lovell, 876 F.2d 787 (10th Cir.1989), a case where members of NCBA brought an action against IRS agents.

"[A] statement of the results of a study group formed in the national office to deal or to begin setting policy with how the Internal Revenue Service is going to respond to the illegal tax protest movement."

Pleasant, in his testimony, quoted the document after summarizing it:

"I recall spending a considerable period of time going through this document and being surprised at some of the language.... Somewhere in here is the policy determination that they're going to seek to stifle this dissent by going to national organizations and seeking to take out the leaders either by criminal or civil prosecution and cut off the head in order to kill the body."

* * * *

"COHAN: . . . and that last sentence, would you read that, please?

PLEASANT: "The recommendation is to have a centralized CID task force to concentrate its investigative efforts on such problem areas ... problem areas as tax protest leaders.... Such a task force in this area would definitely be conducive to the concept of cutting off the head, i.e. the national leaders who are constantly on the move from service district to service district to kill the body." ". (Although the Defendants have virtually inundated the Court with pleadings, papers and filings on various issues, this document, a quote from which is offered on a critical, or perhaps the critical issue, is not provided to the Court.)

Defendants next argue that, in the present case, Agent John Thomas has testified that Thomas was aware that "leaders" were the focus of investigations; that Thomas "certainly came to consider" Vernon Holland to be classified as a leader of a tax protest movement.

Defendants state that on April 5, 1985, IRS Special Agents executed search warrants at seven locations in five states against NCBA in connection with its investigation into warehouse banking,

seizing inter alia membership lists; that on October 16, 1985, the IRS executed simultaneous searches and seizures of the satellite NCE exchanges in California, Washington, Oregon and Georgia, also seizing membership lists. Defendants state these lists were distributed to the Chiefs, Criminal Investigation Division, in the respective district offices to be used as information items.

During the trial of this case Agent Thomas testified that "information items" existed as to FEA, Defendants and others. At the December 23, 1992 hearing Thomas testified these items of information, which comprised his first awareness of FEA and/or these Defendants, came from three sources during a 90 day period of time from January 1 to March 30th, 1987: (1) IRS Agent Brennan who responded to an ad in New Jersey that indicated FEA operated a warehouse bank which was offering services that would, in the opinion of the IRS, help to conceal the income and assets of its membership from government agencies, state and federal; (2) received information from IRS Agent David Jansen who was involved in a grand jury investigation that some of the banks in Tulsa had provided information concerning possible Title 31, Section 5324 violations with relation to structuring transactions; and (3) received referrals from the Collection Division of IRS on people who had been identified as having some connection to the Freeman Education Association because they had failed to file returns for a good many years.

Defendants complain these information items concerning Defendants and Freeman Education Association have not been produced

to the present date notwithstanding Defendants' Motion For Disclosure of Exculpatory Evidence also filed November 27, 1992.

Defendants main thrust is that the IRS, armed with the NCBA membership lists, began a campaign to purge the membership by initiating criminal and civil actions against individuals identified on the lists across the nation; that this unconstitutional strategy was applied to Defendants.

Defendants next assail (again) the search of FEA headquarters, which occurred September 15, 1987. The constitutionality of this search was approved by this Court in its Order of July 20, 1990 (docket #71). Likewise, much of Defendants' 55 page Motion filed November 27, 1992, is a review of the NCBA activity and litigation which occurred for the most part in the state of Colorado during the late 70s and 80s. Its only relevance is Defendants' present attempt to demonstrate an unconstitutional scheme on the part of the IRS to suppress the First Amendment rights of the NCBA, NCE, FEA and the various membership thereto, in light of the Tenth Circuit's recent pronouncement in United States v. P.H.E., Inc. a/k/a Adam & Eve, et al, 965 F.2d 848 (10th Cir.1992).

In P.H.E., obscenity Defendants sought dismissal of an indictment based upon alleged vindictive prosecution. The lower Court denied Defendants' motion to dismiss and Defendants appealed. The Tenth Circuit determined that Defendants had indeed established vindictive prosecution thereby shifting the burden to the Government prosecutors to justify their decision to indict Defendants, with legitimate, articulable and objective reasons.

P.H.E. was the product of then Utah United States Attorney Brent Ward's desire, in 1985, to coordinate a nationwide prosecution strategy against companies that sold obscene materials. Ward suggested to then Attorney General Edwin Meese that a coordinated effort by all thirty-five strike force prosecutors could instigate multiple, expense-prone prosecutions severely testing the limits of pornographers' endurance. Ward believe the targeted companies would curtail their operations and they would withdraw from and refrain from entering geographical markets in which they could not find community acceptance. Assistant U.S. Attorney Richard Lambert, a prosecutor in the P.H.E. case, worked with Ward on the project.

Notwithstanding the Department of Justice's policy discouraging multiple obscenity prosecution unless the materials were unquestionable obscene, the Department changed its policy in September 1987, presumably at the urging of Ward and/or Lambert. However, Lambert's dealings with PHE began in 1986.

In May of 1986 PHE's premises in North Carolina were searched by federal and state agents, including federal prosecutors from Utah and the Eastern District of North Carolina. Federal agents also served PHE's employees with 118 subpoenas.

PHE's attorneys met with Ward and Lambert in September, 1986 to see if a plea agreement could be worked out.

"At these meetings, Ward and Lambert stated that the only way the defendants could avoid multiple prosecutions was by ceasing distribution in Utah of all sexually oriented materials, not simply those that were obscene(an exception was made for films that had received an "R" rating from the Motion Picture Association of America.)

Id. It bears emphasis that Ward and Lambert acknowledged that this would require the company to stop sending material that was protected by the First Amendment. *Id.* at 851.

During these negotiations, Lambert stated that if no plea agreement was reached, prosecution could be brought in Utah and elsewhere in the country, specifically Alamance County, North Carolina (the main office of PHE).

No plea agreement being reached, prosecutions and related civil litigation followed, resulting in an injunction being issued in Washington, D.C. federal court, "barring Lambert and others from "causing or permitting indictments charging violations of 18 U.S.C. §§ 1461-65 to be returned against plaintiffs, or either of them, in more than one federal judicial district within the United States" pending a ruling on the permanent injunction." PHE, Inc. v. Department of Justice, 743 F.Supp. 15, 28 (D.D.C.1990). The Court state its conclusions thus:

"The intrusive and intimidating manner in which defendants searched plaintiffs' premises, the 118 subpoenas which another federal court characterized as "harassment" of plaintiffs, the acknowledgement by the defendants that many of the materials they seek to prevent plaintiffs from distributing *are* constitutionally protected, the allegation that investigations were initiated despite the fact that the FBI advised [the] Assistant United States Attorney for the Eastern District of North Carolina[] that the materials distributed by plaintiffs were not within the scope of FBI guidelines for the prosecution or investigation of obscenity, the threats of multiple prosecutions if plaintiffs did not cease distribution of certain materials nationwide and cease distribution entirely in Utah including *Playboy* magazine and *The Joy of Sex*, and the admitted desire to get Harvey "out of the business," substantiate plaintiffs' allegations of bad faith.

After the Washington D.C. District Court issued a preliminary

injunction, Lambert urged prosecution of PHE to the new Utah United States Attorney, Dee Benson. The Utah grand jury returned an indictment against PHE and others. The Defendants moved for dismissal, arguing the prosecution was in bad faith.

The District Court rejected the bad faith claim, failing to find a connection between the litigative efforts in North Carolina, Washington, D.C. and other points East and the instant prosecution, and also noting there was no allegation of bad faith motivation on the part of new U.S. Attorney Benson. An appeal followed.

The Tenth Circuit acknowledged the Supreme Court's recognition that a limited appeal exception exists for certain collateral orders that do not terminate an action, Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949), and that the District Court's Order implicated "important right[s] which would be 'lost, probably irreparably,' if review had to await final judgment . . .". Abney v. United States, 431 U.S. 651, 658 (1977). Taking jurisdiction, the Tenth Circuit observed that the actual act of going to trial under a pretextual prosecution has a chilling effect on protected expression and the right asserted is a "right not to be tried", citing United States v. Hollywood Motor Car, 458 U.S. 263 (1982). Further, the Tenth Circuit alluded to its teachings in Bender v. Clark, 744 F.2d 1424 (10th Cir.1984) where it recognized that "the danger of injustice by delaying appellate review outweighs the inconvenience and costs of piecemeal review." *Id.* at 1427.

After reviewing the Washington D.C. Federal Court injunction against Lambert, described therein as a showing of bad faith in at

least seven separate instances in that Court's narrative of facts, the Tenth Circuit concluded that Lambert was extensively involved in the multiple prosecution strategy against the PHE Defendants, and that the district court's finding to the contrary was clearly erroneous. Further, the Tenth Circuit declined to accept the Government's proposition that a single untainted prosecutor or investigative agent can cleanse an otherwise vindictive prosecution, citing United States v. Raymer, 941 F.2d 1031 (10th Cir.1991) which held the inquiry must be whether, as a practical matter, there is a reasonable likelihood of prosecutorial conduct that would not have occurred but for some hostility or punitive animus towards a Defendant because of exercising specific legal rights. Raymer explained how the test was to be applied:

"A defendant has the burden of proof and must establish either (1) actual vindictiveness, or (2) a realistic likelihood of vindictiveness which will give rise to a presumption of vindictiveness. Thereafter, the burden shifts to the prosecution to justify its decision with legitimate, articulable, objective reasons. *Id.* at 1040.

In P.H.E. the Tenth Circuit, having already concluded that the PHE Defendants had already satisfied their burden of showing that the indictment is the tainted fruit of a prosecutorial attempt to curtail PHE's future First Amendment protected speech, remanded the matter to allow the Government an opportunity "to justify its decision with legitimate, articulable, objective reasons." *Id.* at 1040.

This Court's hearing of December 23, 1992, was held to allow the Defendants to establish either actual vindictiveness, or a

realistic likelihood of vindictiveness which will give rise to a presumption of vindictiveness. If done, the burden would shift to the prosecution to justify its decision with legitimate, articulable, objective reasons.

Cases involving singular First Amendment product (only the written word, the spoken word, visual images, etc. and nothing more) lend themselves to a more pure form of constitutional analysis. These cases can be approached in a relatively straightforward manner. However, cases which involve First Amendment product wrapped around and intrinsically interwoven with alleged criminal activity give courts greater pause. Further complications arise when the alleged criminal activity (e.g. alleged violation of the income tax laws) is clothed with political assertions of unconstitutional measure, i.e. the income tax is illegal, the income tax should not be paid because it is contrary to the Constitution of the United States, the federal reserve system is invalid because not based upon the gold standard and so forth.

If the alleged criminal activity is patently criminal no amount of First Amendment involvement would deter lawful prosecution. An extreme example would be if a political organization advocating return to the gold standard, elimination of the federal reserve system, and other non main-stream ideologies, would espouse, encourage, aid and abet (including how-to seminars) the robbing and/or burglarizing of all federal reserve banks. First Amendment arguments to explain and defend such criminal behavior would be to no avail.

First Amendment political organizations that (voluntarily) become involved with the income tax laws of the United States present complex issues. Other courts have struggled with this imbroglio. In In Re Grand Jury Proceeding, 842 F.2d 1229 (11th Cir.1988), a case involving NCBA and its affiliate NCE, the following appears:

"NCBA is an association dedicated to limited government, privacy in personal and financial affairs, and the protection of private property. NCBA advocates home education of children, the abolition of the Internal Revenue Service, and a return to the gold standard. It disputes the constitutionality of the Federal Reserve System and many of the federal administrative agencies. NCBA publishes books and newsletters alerting its members to the dangers posed by environmental pollution, unsound currency, and the growth of the federal government.

NCBA also provides its members with various financial services. For example, members can participate in a plan under which NCBA pays legal expenses for IRS audits and criminal tax prosecutions. Most importantly for purposes of this appeal, NCBA operates, through its wing NCE, a service through which members can purchase precious metals and pay bills with a minimum of recordkeeping. Under this plan, appellant William Bicket, the Atlanta area representative of NCBA, receives checks from members to be deposited in an "account" created for them by NCBA. Bicket collects the checks and forwards them to NCBA with forms in the nature of deposit slips. NCBA then disburses funds according to its members' instructions, without any indication that the disbursements are paid from any particular member's account. *Id.* at 1230

* * * *

The financial system operated by NCBA obviously provides significant opportunities for the evasion of federal tax laws, especially requirements for the reporting of taxable income." *Id.* at 1230.

* * * *

" . . . Even assuming *arguendo* that NCBA can demonstrate an infringement of its freedom of association, the government nonetheless has established a justification for this infringement. 'The right to associate for expressive purposes is not ... absolute.' *Roberts v. United States Jaycees*, 468 U.S. at 623, 104 S.Ct. at 3252. '[T]here are governmental interests sufficiently

important to outweigh the possibility of infringement....' *Buckley v. Valeo*, 424 U.S. at 66, 96 S.Ct. at 657. As explained above, the government may take action that would infringe upon the freedom of association when it can demonstrate a "substantial relation" to a compelling interest. See *Buckley v. Valeo*, 424 U.S. at 64., 96 S.Ct. at 656; *Gibson v. Florida Legislative Investigation Committee*, 372 U.S. at 546, 83 S.Ct. at 893.

There is no doubt that this case implicates a compelling governmental interest. The government is investigating possible criminal violations of the tax laws and suggests that individuals may be using the structure of NCBA's financial system to evade requirements for reporting taxable income. A good-faith criminal investigation into possible evasion of reporting requirements through the use of a private banking system that keeps no records is a compelling interest. "No power is more basic to the ultimate purpose and function of government than is the power to tax", *Bates v. City of Little Rock*, 361 U.S. 516, 524, 80 S.Ct. 412, 417, 4 L.Ed.2d 480 (1960)." *Id.* at 1236.

In the case of Pleasant v. Lovell, 876 F2d 787 (10th Cir.1989) the following appears:

"Some record evidence suggests that NCBA members may have advocated or participated in various schemes designed to evade federal income tax. These included engaging in a barter system for the purpose of not recognizing taxable income, submitting incorrect employee withholding forms (Form W-4) claiming exemption from federal tax withholding, and transacting business through a warehouse bank, such as the National Commodity Exchange (NCE), so as to avoid IRS scrutiny concerning cash deposits and payments, see *Heinhold Hog Market, Inc. v. McCoy*, 700 F2 611, 616 (10th Cir.1983). While the political speech of NCBA members is protected by the first amendment, the same is not true of speech encouraging or facilitating illegal activity. *Id.* at 790.

* * * *

Indeed the plaintiffs have submitted evidence indicating that various NCBA members are now reluctant to associate with the group. At the same time, we recognize that some interference may be permissible when the government can demonstrate a compelling interest, such as good-faith criminal investigation that is narrowly tailored to detect information concerning tax evasion. *In re Grand Jury Proceeding*. 842 F2d at 1236." *Id.* at

804-805.

The Court is of the view that, under the record herein, the government has amply demonstrated a compelling interest, i.e. a good-faith criminal investigation, sufficiently focused on Defendants' non-First Amendment activities.⁸ The Court also concludes that Defendants have failed to demonstrate that the instant case results from selective and/or vindictive prosecution emanating from bad motivation or animus on the part of the Internal Revenue Service generally or Agent John Thomas specifically. The Court further concludes that, even if the record demonstrated that this prosecution arose solely as a result of IRS' seizure of NCBA membership lists (which presumptively included Defendants' names thereon), which the Court believes the record fails to demonstrate, this prosecution would not be tainted as violative of Defendants' First Amendment rights.⁹

Defendants' Verified Motion To Dismiss Indictment Based on Discriminatory and Vindictive Prosecution should be and the same is

⁸ The record herein, including the evidence developed in the previous trial demonstrates that the activities of the FEA are similar in most respects to that of the NCBA in In Re Grand Jury Proceeding, and Pleasant v. Lovell, *supra*, just discussed.

⁹ The Court has had the benefit of hearing and seeing the Government's evidence in the Count Two charge against Defendant Mauldin and the Counts Three, Four and Five charges against Defendant Holland, presented in the first trial in which a mistrial was granted due to a "hung jury". The entire record indicates separate alleged federal statutory criminal violations not commenced with the underlying motive of stifling or interfering with the Defendants' legitimate First Amendment rights to voice opposition to the federal income tax laws and/or the national monetary system.

hereby DENIED.

The Court next addresses the issues stated in its *sua sponte* Order of December 7, 1992.

After reexamination of the Tenth Circuit's Opinion and Judgment entered on February 13, 1992, and filed herein on April 13, 1992, and the record and pleadings including the pleadings filed in response to the Court's Order, the Court concludes the Tenth Circuit more than adequately disposed of the double jeopardy issue again urged by Defendants. Further, the Court's Order of July 25, 1991, which was appealed to the Tenth Circuit, wherein the Court found no double jeopardy as to the remaining counts as a result of the Government-urged dismissal of Count One, also granted the Government's previous motion and ordered the deletion of language referencing the conspiracy count, 18 U.S.C. §371, from Counts Three, Four and Five and also amended the charged subsection of Section 5322 from "(b)" to "(a)". Defendants failed to appeal this aspect of the Court's Order.

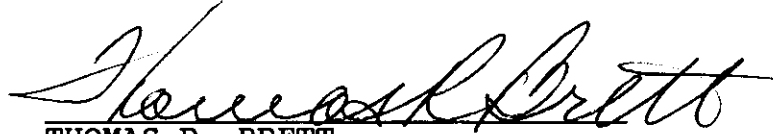
Further, the Court concludes the "lesser include offense" potential issue is moot in view of the above. To the extent Defendants have outstanding a renewed Motion To Dismiss on the issue of Double Jeopardy and/or the issues suggested in the Court's Order of December 7, 1992, the same is OVERRULED.

In summary, the Court DENIES Defendants' Verified Motion To Dismiss Indictment Based on Discriminatory and Vindictive Prosecution, and also DENIES Defendants' Motion To Dismiss on the issue of Double Jeopardy and/or the issues suggested in the Court's

Order of December 7, 1992.

The severed cases will proceed to jury trial as set forth in the Court's Order of December 29, 1992.

IT IS SO ORDERED this 12th day of January, 1993.

A handwritten signature in cursive script, appearing to read "Thomas R. Brett", written in dark ink.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 7 1993

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

LEWIS AARON COOK,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

No. 92-C-907-E and
No. 89-CR-107-E

O R D E R

This matter is before the Court on expedited review of various post-sentencing motions of Lewis Aaron Cook. For the reasons stated herein, the Court finds all of the motions to be frivolous and without support in the record.

On December 22, 1989, Cook was convicted on three counts of a four-count superseding indictment. Specifically, Cook was convicted of possessing varying amounts of mixtures containing a cocaine base with intent to distribute, in violation of 21 U.S.C. §§841(a)(1) and (b)(1)(B)(iii); and knowingly maintaining a place for the distribution of crack/cocaine, in violation of 21 U.S.C. §856(a).

On April 3, 1990, Cook was sentenced by this Court to two-hundred sixty-two (262) months and two-hundred forty (240) months of incarceration, to run concurrently, with five (5) years of supervised release, and payment of \$150.00 to the special criminal assessment fund. On that same day, Cook filed a notice of appeal from the sentencing order of this Court (docket #52). On November

of this Court (docket #74), finding as follows:

- (1) Neither Cook's due process rights nor his equal protection rights were violated by the decision of the federal government to prosecute under federal, rather than state, statutes, notwithstanding the harsher penalties.
- (2) The affidavit in support of the search warrant issued on July 25th was sufficient to sustain a probable cause determination.
- (3) The trial court did not abuse its discretion in admitting the testimony of co-Defendant Yvonne Cross who pled guilty to the charged offenses and allowing the jury to determine her credibility.
- (4) The trial court did not commit reversible error in refusing a reluctant witness instruction with respect to the testimony of Cross and Swimp.
- (5) The trial court did not commit reversible error in refusing to submit Cook's proposed instruction to the jury about the particular infirmities of a drug addict's testimony.
- (6) The trial court did not err in adopting the probation officer's estimate of the quantity of drugs involved in his offense because the estimate was supported by the record which contained sufficiently reliable information.
- (7) The trial court did not err in relying on the testimony of Swimp to enhance Cook's base offense level.

In the interim period between Cook's notice of appeal and the order and judgment of the Tenth Circuit, Cook filed the following post-trial motions: Application to proceed with appeal in forma pauperis and for appointment of counsel (docket #53), Application for release on bond pending appeal (docket #55), motion for an evidentiary hearing (docket #56), petition for writ of habeas corpus and/or motion for new trial and/or motion to dismiss (docket #58), motion to dismiss (docket #61), motion for new trial (docket #62), request for transcripts (docket #49). All of these motions were denied by order of this Court on April 2, 1990 (docket #64).

During the period from October 6, 1992 and November 16, 1992, Cook filed the following motions which are now before this Court on

expedited review:

1. Petition for Writ of Habeas Corpus or motion to vacate sentence under 28 U.S.C. §2255 (docket #78) and motion for release on bond pending disposition of the motion to vacate (docket #80),
2. Request for discovery under Federal Rules of Civil Procedure 16 and 34 (docket #81), and motion for production of documents and for an order compelling such production (docket #82).

This Court will address each of the above motions separately.

(1) Petition for Writ of Habeas Corpus or Motion to Vacate

Cook urges the following in support of her petition: (a) His 4th Amendment rights were violated in that the search warrant issued was "'founded' on complete falsehoods", (b) His 6th Amendment Right to effective assistance of counsel was denied in that his Counsel curtailed cross-examination of a "Star Government Witness, Mark McCrory" and prevented the production of further evidence, and (c) Co-Defendant Cross was "threatened" before she agreed to testify against Cook.

This Court is without jurisdiction to hear either (a) or (c) above. These arguments have already been addressed by this Court which found these arguments to be without merit. The Tenth Circuit Court of Appeals has affirmed the judgment of this Court on these matters (docket #74).

In order to establish a violation of the Sixth Amendment, when no such claim was raised at trial, the claimant must establish that an actual conflict of interest adversely affected his lawyer's performance. Cuyler v. Sullivan, 100 S.Ct. 1708, 1718, 446 U.S. 333, 348 (1980). Neither Cook's Petition nor anything in the record supports the finding of any conflict of interest,

nonetheless an actual conflict of interest. Separate counsel was retained for the co-defendants in this action and therefore any issue of conflict by virtue of multiple representation of co-defendants was eliminated at an early stage.

Furthermore, this Court has already denied Cook's earlier motion for an evidentiary hearing with respect to his post-trial claims that a "controlled buy" never occurred but was merely fabricated by the police officers involved in his case. Cook now claims in this, his second, Petition that he was denied effective assistance of counsel because this evidence was not submitted.

Cook has stated no fact or law to support this, his second, petition for writ of habeas corpus, nor has Cook justified his failure to raise these claims in his first petition. The Court finds that Cook has "abused the writ" and accordingly denies his petition.

This order in essence renders moot Cook's simultaneous motion for release on bond pending resolution of his petition. Nonetheless, the Court notes that the Court has heard and denied many requests by Cook to be released during the pendency of these proceedings. The Court again finds that Defendant fails to meet his burden of showing by clear and convincing evidence that he is neither a danger to the community nor a flight risk if released. 18 U.S.C. §3143(b)(1) and (b)(2).

**(2) Request for Discovery and Motion for Production of Documents
and for an Order Compelling Production**

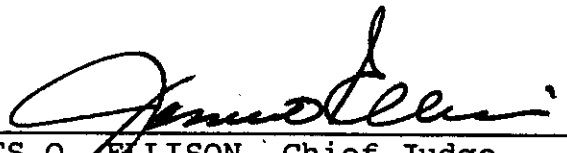
Cook requests a copy of the transcript of "the Third Detention

Hearing, Hearing on Defendants, Motion for a Continuance and Brief, which was held before this Court on a date certain, ect. [sic]". Cook urges that this transcript is "essential" to enable him to "Impeach the Case Agent" and to "prove that a Conspiracy did exist between the Case Agent, and the Affiant, on the July 25th Search Warrant".

Again, the Court finds that challenges to the Search Warrant or to the credibility of any witness who testified at trial must have been made at the time of the trial. Defendant has long since waived the right to raise these objections, as this Court already indicated in its order dated May 2nd of 1990 (docket #64). Discovery and production of documents is accordingly futile at this late date.

IT IS THEREFORE ORDERED that Petitioner's Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. §2255, (a.k.a. Petitioner's "Motion to Vacate") is hereby denied as an abuse of writ. IT IS FURTHER ORDERED that Petitioner's Request for Discovery and Motion for Production of Documents are hereby denied.

ORDERED this 7th day of January, 1993.



JAMES O. ELLISON, Chief Judge
UNITED STATES DISTRICT COURT

FILED

United States District Court

NORTHERN

District of

OKLAHOMA

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 92-CR-054-002-E

ENTERED ON DOCKET

KENNETH MICHAEL SPROUTS

(Name of Defendant)

William Hughes

Defendant's Attorney

DATE 1-6-93

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One, Seven, and Ten
- ☐ was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21:846(a)(1) & 841(b)(1)(A)	Conspiracy to Possess With the Intent to Distribute and to Distribute Cocaine	6-4-92	One
21:856(a)(1) & 856(b)	Maintaining a Place Where Controlled Substances are Distributed	6-4-92	Seven & Ten

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
- ☒ Count(s) Two (is) ~~(are)~~ dismissed on the motion of the United States.
- ☒ It is ordered that the defendant shall pay a special assessment of \$ 150, for count(s) One, Seven, and Ten, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 326-66-8914Defendant's Date of Birth: 09-03-72

Defendant's Mailing Address:

Defendant's Residence Address: 1126 W. 110th Street
Chicago, Illinois 60643

December 29, 1992

Date of Imposition of Sentence

James O. Ellison
Signature of Judicial Officer

James O. Ellison, Chief U. S. District Judge

Name & Title of Judicial Officer

January 5, 1993
Date

mas

By *Jack C. Silver*
Deputy

Defendant: KENNETH MICHAEL SPROUTS
Case Number: 92-CR-054-002-E

Judgment—Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 151 months for each count, Cts. One, Seven, and Ten to run concurrently

☒ The court makes the following recommendations to the Bureau of Prisons:

The defendant be placed near Chicago, Illinois, to facilitate family visitation.

☒ The defendant is remanded to the custody of the United States marshal.
☐ The defendant shall surrender to the United States marshal for this district,

☐ at _____ a.m.
_____ p.m. on _____
☐ as notified by the United States marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
☐ before 2 p.m. on _____
☐ as notified by the United States marshal.
☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at

_____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy Marshal

NO 243 3 (Rev. 4/87) Effect of Supervised Release
Defendant: KENNETH MICHAEL SPROUTS
Case Number: 92-CR-054-002-E

Judgment—Page 3 of 4

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

5 years for each count, Cts. One, Seven, and Ten to run concurrently

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- ☒ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- ☒ The defendant shall not possess a firearm or destructive device.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: KENNETH MICHAEL SPROUTS
Case Number: 92-CR-054-002-E

Judgment—Page 4 of 4

STATEMENT OF REASONS

☐ The court adopts the factual findings and guideline application in the presentence report.

OR

☒ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

The Court does not accept a two level enhancement for firearms possession.

Guideline Range Determined by the Court:

Total Offense Level: 34

Criminal History Category: 1

Imprisonment Range: 151 to 188 months

Supervised Release Range: to 5 years

Fine Range: \$ 17,500 to \$ 5,000,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ N/A

☐ Full restitution is not ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☒ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

The Court believes that a sentence of 151 months successfully meets the objectives of punishment and protection of the community.

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

United States District Court

NORTHERN

District of OKLAHOMA

UNITED STATES OF AMERICA

V.

KEITH ANTON SPROUTS

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 92-CR-054-003-E ENTERED ON DOCKET

DATE 1-6-93

Charles Whitman

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1, 7, 8, and 10 of the Indictment after a
☐ was found guilty on count(s) _____ plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 846, 841(a)(1) & (b)(1) (A)(iii)	Conspiracy to Possess With Intent to Distribute and to Distribute Cocaine	June 4, 1992	1
21 USC 856(a)(1)	Maintaining a Place Where Controlled Substances Are Distributed	October 17, 1991	7
18 USC 924(c)	Possession of Firearm During a Drug Trafficking Crime	October 17, 1991	8
21 USC 856(a)(1)	Maintaining a Place Where Controlled Sub- stances Are Distributed	October 17, 1991	10

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
☒ Count(s) 2 & 6 of the Indictment (are) dismissed on the motion of the United States.
☒ It is ordered that the defendant shall pay a special assessment of \$ 200.00, for count(s) 1, 7, 8, and 10 of the Indictment, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 326-66-9893Defendant's Date of Birth: 04-19-71

Defendant's Mailing Address:

1126 W. 110th St.Chicago, Illinois 60643

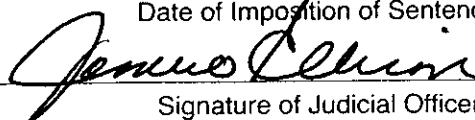
(Defendant currently in custody of BOP)

Defendant's Residence Address:

In custody

December 29, 1992

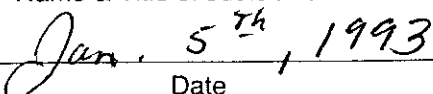
Date of Imposition of Sentence



Signature of Judicial Officer

James O. Ellison, Chief U.S. District Judge

Name & Title of Judicial Officer



Date

Defendant: KEITH ANTON SPROUTS
Case Number: 92-CR-054-003-E

Judgment—Page 2 of 5

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 211 months

Cts. 1, 7, & 10 - 151 months as to each count to run concurrently.

Ct. 8 - 60 months consecutive to Counts 1, 7, and 10.

☒ The court makes the following recommendations to the Bureau of Prisons:

Defendant be placed in an institution close in proximity to Chicago, Illinois, to allow visitation rights.

- ☒ The defendant is remanded to the custody of the United States marshal.
☐ The defendant shall surrender to the United States marshal for this district,

- ☐ at _____ a.m.
☐ _____ p.m. on _____
☐ as notified by the United States marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
☐ before 2 p.m. on _____
☐ as notified by the United States marshal.
☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at

_____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: KEITH ANTON SPROUTS
Case Number: 92-CR-054-003-E

Judgment—Page 3 of 5**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of five years on Ct. 1 & three (3) years each on Cts. 7, 8, and 10. All terms are to run concurrently.

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- ☒ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☒ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- ☒ The defendant shall not possess a firearm or destructive device.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing as directed by the U.S. Probation Office.

Defendant: KEITH ANTON SPROUTS
Case Number: 92-CR-054-003-E

Judgment—Page 4 of 5

FINE

The defendant shall pay a fine of \$ 1,500.00. The fine includes any costs of incarceration and/or supervision.

☐ This amount is the total of the fines imposed on individual counts, as follows:

☐ The court has determined that the defendant does not have the ability to pay interest. It is ordered that:

- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

This fine plus any interest required shall be paid:

- ☒ in full immediately.
- ☐ in full not later than _____.
- ☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- ☐ in installments according to the following schedule of payments:

The fine is to be paid immediately. Any amount not paid immediately shall be paid during the term of incarceration, with any unpaid balance due during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: KEITH ANTON SPROUTS
Case Number: 92-CR-054-003-E

Judgment—Page 5 of 5**STATEMENT OF REASONS**

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:Total Offense Level: 34Criminal History Category: IImprisonment Range: 151 to 188 months to be followed by 60 mo. consecutive sentence.Supervised Release Range: 3 to 5 yearsFine Range: \$ 17,500 to \$ 5,000,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ N/A

☐ Full restitution is not ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☒ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

Minimum of guideline range provides adequate punishment

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

United States District Court

NORTHERN

District of

OKLAHOMA

UNITED STATES OF AMERICA

V.

Leonard Harold Bunch

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 92-CR-054-004-E

Curtis Biram

Defendant's Attorney

ENTERED ON DOCKET

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One, Two, Seven & Ten of the Indictment
- ☐ was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21:846, 841(a)(1), and 841(b)(1)(B)	Conspiracy to Possess With Intent to Distribute Cocaine & Cocaine Base	6-4-92	One
18:371	Conspiracy to Possess Firearm During a Drug Trafficking Offense	6-4-92	Two
21:856(a)(1)	Maintaining a Place Where Controlled Substances are Distributed	6-4-92	Seven & Ten

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s).
- ☒ Count(s) Four & Five of the Indictment ~~(are)~~ dismissed on the motion of the United States.
- ☒ It is ordered that the defendant shall pay a special assessment of \$ 200, for count(s) One, Two, Seven and Ten of the Indictment, which shall be due ☒ immediately ☐ as follows:

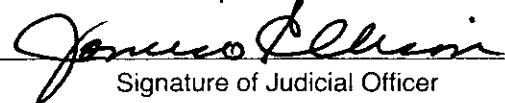
IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 355-54-0228Defendant's Date of Birth: 07-11-71

Defendant's Mailing Address:

December 29, 1992

Date of Imposition of Sentence



Signature of Judicial Officer

Defendant's Residence Address:

James O. Ellison, Chief U. S. District judge

Name & Title of Judicial Officer

2159 N. Hartford, #D

Tulsa, Oklahoma

Jack C. Silver, Clerk

By

Deputy

Date

mas

Defendant: Leonard Harold Bunch
Case Number: 92-CR-054-004-E

Judgment—Page 2 of 5**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 188 months in Counts One, Seven and Ten as to each count to run concurrently.
60 months as to Count Two, to run concurrently to sentence imposed in
Counts One, Seven, and Ten.

☒ The court makes the following recommendations to the Bureau of Prisons:

That the defendant be placed in an institution within close proximity to
Chicago, Illinois, if possible.

- ☒ The defendant is remanded to the custody of the United States marshal.
☐ The defendant shall surrender to the United States marshal for this district,

☐ at _____ a.m.
_____ p.m. on _____
☐ as notified by the United States marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
☐ before 2 p.m. on _____
☐ as notified by the United States marshal.
☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at

_____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: Leonard Harold Bunch
Case Number: 92-CR-054-004-E

Judgment—Page 3 of 5

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

5 years as to Count One, and 3 years as to Counts Two, Seven, and Ten, as to each count to run concurrently.

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- ☒ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☒ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- ☒ The defendant shall not possess a firearm or destructive device.
- 1) That the defendant pay a fine of \$2,000 in Count One of the Indictment, to begin immediately, with any balance remaining to be paid during Supervised Release, as directed by the U. S. Probation Office.
- 2) That the defendant participate in a program of testing for drug usage, as directed by the U. S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) that the defendant submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: Leonard Harold Bunch
Case Number: 92-CR-054-004-E

Judgment—Page 4 of 5**FINE**

The defendant shall pay a fine of \$ 2,000. The fine includes any costs of incarceration and/or supervision.

- ☒ This amount is the total of the fines imposed on individual counts, as follows:
Count One of the Indictment

- ☐ The court has determined that the defendant does not have the ability to pay interest. It is ordered that:
- ☐ The interest requirement is waived.
 - ☐ The interest requirement is modified as follows:

This fine plus any interest required shall be paid:

- ☒ in full immediately.
- ☐ in full not later than _____.
- ☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- ☐ in installments according to the following schedule of payments:

Any unpaid fine balance remaining upon discharge from confinement shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: Leonard Harold Bunch
Case Number: 92-CR-054-004-E

Judgment—Page 5 of 5**STATEMENT OF REASONS**

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:Total Offense Level: 36Criminal History Category: IImprisonment Range: 188 to 235 monthsSupervised Release Range: to 5 yearsFine Range: \$ 20,000 to \$ 5,000,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ N/A

☐ Full restitution is not ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☒ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):
The lowest end of the guideline range adequately punishes the defendant for his criminal behavior.

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

United States District Court

Northern District of Oklahoma

UNITED STATES OF AMERICA

V.

PHILLIP OMAR JACKSON
(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 92-CR-054-005-E

Steve Stidham

Defendant's Attorney

ENTERED ON DOCKET

DATE 1-6-93

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One, Three, Seven, and Ten of the Indictment
☐ was found guilty on count(s) --- after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21:846, 841(a)(1)	Possession w/Intent to Distribute Cocaine	June 4, 1992	One
18:924(c)	Possession of Firearm in a Drug Trafficking Crime	"	Three
21:856(a)	Maintaining Place Where Controlled Substances are Distributed	"	Seven
21:856(a)(1)	Maintaining Place Where Controlled Substances are Distributed	"	Ten

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) --- and is discharged as to such count(s).
☒ Count(s) Two and Five of the Indictment (are) dismissed on the motion of the United States.
☒ It is ordered that the defendant shall pay a special assessment of \$ 200.00, for count(s) One, Three, Seven, and Ten of the Indictment, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 343-66-9470Defendant's Date of Birth: December 31, 1970

Defendant's Mailing Address:

c/o Bureau of PrisonsDallas, Texas

Defendant's Residence Address:

December 29, 1992

Date of Imposition of Sentence

Signature of Judicial Officer

James O. Ellison, Chief U. S. District Judge

Name & Title of Judicial Officer

Date

Defendant: JACKSON, PHILLIP OMAR
Case Number: 92-CR-054-005-E

Judgment—Page 2 of 4**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 211 months

151 months as to Counts One, Seven, and Ten, to run concurrently.

60 months as to Count Three, to run consecutively to Counts One, Seven, and Ten.

☒ The court makes the following recommendations to the Bureau of Prisons:

Placement at a facility in Fort Worth, Texas, if available.

- ☒ The defendant is remanded to the custody of the United States marshal.
☐ The defendant shall surrender to the United States marshal for this district,

- ☐ at _____ a.m.
_____ p.m. on _____
☐ as notified by the United States marshal.

- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
☐ before 2 p.m. on _____
☐ as notified by the United States marshal.
☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at

_____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: JACKSON, PHILLIP OMAR
Case Number: 92-CR-054-005-E

Judgment—Page 3 of 4

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

5 years as to Count One, 3 years as to Counts Three, Seven, and Ten, all to run concurrently.

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- ☒ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- ☒ The defendant shall not possess a firearm or destructive device.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant: JACKSON, PHILLIP OMAR
Case Number: 92-CR-054-005-E

Judgment—Page 4 of 4**STATEMENT OF REASONS**

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:Total Offense Level: 34Criminal History Category: IImprisonment Range: 151 to 188 months with 60 months consecutiveSupervised Release Range: ~~xxxxx~~ 5 yearsFine Range: \$ 17,500 to \$ 5,000,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ N/A

☐ Full restitution is not ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☒ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

The Court finds the recommended sentence adequately addresses just punishment and deterrence of criminal activity.

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

FILED

United States District Court

Northern District of Oklahoma

JAN 05 1993
Richard M. Lawrence, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

STEVEN CARTER DOTTS

(Name of Defendant)

Case Number: 92-CR-054-006-E

ENTERED ON DOCKET

Ronald Daniels

Defendant's Attorney

DATE 1-6-93

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One, Seven, Eight, and Ten of the Indictment
- ☐ was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21:846, 841(a)(1)	Conspiracy to Possess w/Intent to Distribute	06-04-92	One
(b)(1)(A)(iii)	& to Distribute Cocaine		
21:856(a)(1)	Maintaining a Place Where Controlled Substances are Distributed	10-17-91	Seven
18:924(c)	Possession of Firearm During Commission of a Drug Trafficking Crime	10-17-91	Eight
21:856(a)(1)	Maintaining a Place Where Controlled Substances are Distributed	10-91	Ten

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
- ☒ Count(s) Two, Four, Six, and Nine of the Indictment ~~(is)~~(are) dismissed on the motion of the United States.
- ☒ It is ordered that the defendant shall pay a special assessment of \$ 200.00, for count(s) One, Seven, Eight, and Ten of the Indictment, which shall be due ☒ immediately ☐ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 323-64-2690Defendant's Date of Birth: June 6, 1971

Defendant's Mailing Address:

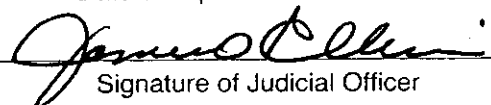
1108 West 110th StreetChicago, IL 60643

Defendant's Residence Address:

1108 West 110th StreetChicago, IL 60643

December 29, 1992

Date of Imposition of Sentence



Signature of Judicial Officer

James O. Ellison, Chief U. S. District Judge

Name & Title of Judicial Officer

January 5, 1993

Date

United States District Court) ss
Northern District of Oklahoma)
In and for the County of)
County of Oklahoma)
in this Court.By B. M. Callahan
Deputy

Defendant: DOTS, STEVEN CARTER
Case Number: 92-CR-054-006-E

Judgment—Page 2 of 5**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 211 months

Counts One, Seven, & Ten: 151 months as to each count to run concurrently.

Count Eight: 60 months to run consecutively to sentence imposed in
Counts One, Seven, and Ten.

☒ The court makes the following recommendations to the Bureau of Prisons:

The defendant be placed in an institution as close to Chicago, Illinois as possible for visitation.

☒ The defendant is remanded to the custody of the United States marshal.

☐ The defendant shall surrender to the United States marshal for this district,

- ☐ at _____ a.m.
_____ p.m. on _____
☐ as notified by the United States marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,

- ☐ before 2 p.m. on _____
☐ as notified by the United States marshal.
☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at

_____, with a certified copy of this judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: DOTTS, STEVEN CARTER
Case Number: 92-CR-054-006-E

Judgment—Page 3 of 5

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
5 years as to Count 1, and 3 years as to Counts 7, 8, and 10, each count to run concurrently.

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- ☒ The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☒ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- ☒ The defendant shall not possess a firearm or destructive device.

The defendant shall participate in a program of testing and treatment for drug abuse, as directed by the U. S. Probation Office, until such time as the defendant is released from the program by the U. S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
 - 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
 - 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
 - 4) the defendant shall support his or her dependents and meet other family responsibilities;
 - 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
 - 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
 - 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
 - 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
 - 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
 - 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
 - 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
 - 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
 - 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant: DOTTIS, STEVEN CARTER
Case Number: 92-CR-054-006-E

Judgment—Page 4 of 5**FINE**

The defendant shall pay a fine of \$ 1,500.00. The fine includes any costs of incarceration and/or supervision.

☐ This amount is the total of the fines imposed on individual counts, as follows:

☐ The court has determined that the defendant does not have the ability to pay interest. It is ordered that:

- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

This fine plus any interest required shall be paid:

- ☒ in full immediately.
- ☐ in full not later than _____.
- ☐ in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- ☐ in installments according to the following schedule of payments:

The Court further orders any amount not paid immediately shall be paid during the term of imprisonment, with any remaining unpaid balance to be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: DOTTIS, STEVEN CARTER
Case Number: 92-CR-054-006-E

Judgment—Page 5 of 5

STATEMENT OF REASONS

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 34

Criminal History Category: I

Imprisonment Range: 151 to 188 months with 60 months consecutive

Supervised Release Range: ~~xxxxx~~ 5 years

Fine Range: \$ 17,500 to \$ 5,000,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ N/A

☐ Full restitution is not ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☒ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

Based upon the statutorily required 60 month consecutive term in Count Eight, and the absence of prior criminal involvement.

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

DATE 1-5-98

F I L E

1. The first group of students, who were given the first set of questions, showed a higher level of understanding of the concept of a function than the second group, who were given the second set of questions.

Richard M. [redacted] Clerk
U.S. District Court
Northern District of California

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No. 92-CR-138-E

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ORDER

The Court has for consideration the Amended Motion of the Government for Dismissal of Count III of the Indictment (docket #11) and the Motion of the Defendant to dismiss the Indictment in its entirety (docket #10). The Court has reviewed the record in light of the relevant law and - finding the arguments of the Government to be compelling - concludes that only Count III of the Indictment should be dismissed.

IT IS THEREFORE ORDERED that Defendant's motion is denied; Plaintiff's motion is granted; Count III of the Indictment is hereby dismissed.

So ORDERED this 27th day of January, 1993.

JAMES O. ELLISON, Chief Judge
UNITED STATES DISTRICT COURT